

**U.S. Department of the Interior
Bureau of Land Management**

Proposed Decision

(DOI-BLM-NV-L030-2011-0002 EA)

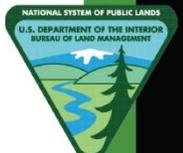
October 15, 2012

Grazing Term Permit Renewal for Newby Cattle Company (#2705036)
on the
Garden Spring (#01065), White Rock (#01078)
and Summit Spring (#01077) Allotments

Lincoln County, Nevada

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In Reply Refer to:

4160 (NVL0300)

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PROPOSED DECISION

Newby Cattle Company (#2705036)

on the

Garden Spring (#01065), White Rock (#01078) and Summit Spring (#01077) Allotments

Background Information

On October 15, 2012, the Finding of No Significant Impact (FONSI) for Newby Cattle Company on the Garden Spring, White Rock and Summit Spring Allotments was signed. The Final Environmental Assessment (DOI-BLM-NV-L030-2011-0002 EA), Finding of No Significant Impact (FONSI) and Standards Determination Documents are contained herein. This proposed decision is issued in accordance with 43 CFR § 4160.1.

The proposed action, associated with DOI-BLM-NV-L030-2011-0002 EA (EA), is to fully process and issue new term grazing permits to the aforementioned on the Garden Spring (#01065), White Rock (#01078) and Summit Spring (#01077) Allotments which encompass approximately 38,823, 32,916 and 18,035 acres, respectively.

The Newby Cattle Company term grazing permit was previously issued for the period 1/21/2010 – 2/28/2012. The new grazing permit will reflect terms and conditions in accordance with the Final EA.

The Ely District Record of Decision and Approved Resource Management Plan (RMP) (August 2008) states as a goal (p. 85): “Manage livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health.” It further states as an objective (p. 86): “To allow livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health.” Management Action LG-8 states, “Implement management actions for desert tortoise habitat contained in the 2008 Biological Opinion.

The Programmatic Biological Opinion (PBO) in Appendix D of the Ely District Record of Decision and Approved Resource Management Plan (RMP) (August 2008) identified the Garden Spring, White Rock and Summit Spring Allotments as allotments in desert tortoise habitat available for livestock grazing. It also states: "Allotments or portions of allotments in desert tortoise habitat outside ACECs will be managed according to seasonal utilization limits of 40% of annual growth on key forbs, perennial grasses and shrubs (March 1 to October 31)".

All three allotments contain habitat for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*). Of the three, only the Summit Spring Allotment contains designated desert tortoise critical habitat. None of the allotments contain desert tortoise Areas of Critical Environmental Concern (ACECs).

On September 28, 2011, the U.S. Fish and Wildlife Service (USFWS) received BLM's request for Section 7 consultation (a request to append the Programmatic Biological Opinion (PBO) as contained in the Ely RMP - 2008) for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*) through a BLM memorandum dated September 27, 2011. The request contained measures which would minimize potential effects to the desert tortoise.

In response to the request, the USFWS determined that the effects of the proposed action was within the scope of, and described in, the "Effects of the Action, Desert Tortoise" section of the PBO. They further determined that not only would most of these effects be minimized by BLM's proposed measures; but that the proposed changes in grazing management would reduce pressure on the vegetation needed for forage and cover, and will reduce the likelihood of tortoise or burrows being trampled.

In conclusion, after reviewing the current status of the desert tortoise, the environmental baseline for the action area, and the effects of the proposed action, it was the USFWS's biological opinion that the proposed action is not likely to jeopardize the continued existence of the threatened desert tortoise.

Fully processing and renewing the term grazing permit for Newby Cattle Company on the Garden Spring, White Rock and Summit Spring Allotments provides for a legitimate multiple use of public lands. The permit will include terms and conditions, for grazing use, that conform to grazing Guidelines which will aid in continuing to achieve the Resource Advisory Council Standards for Nevada's Mojave-Southern Great Basin Area in accordance with all applicable laws, regulations, and policies; and in accordance with Title 43 CFR § 4130.2(a) which states in part: "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land management that are designated as available for livestock grazing through land use plans".

Consequently, this decision specifically identifies management actions and terms and conditions deemed appropriate to achieve management and resource condition objectives. The proposed actions that were developed under this proposed decision execute management actions that will aid in ensuring that continued achievement of the Standards for Rangeland Health and multiple use objectives occur.

Conclusions of the Standards Determination Document

Current monitoring data were reviewed and an evaluation of the rangeland health was completed during the permit renewal process. As a result, a Standards Determination Document (SDD) was prepared (Appendix II of EA). The results of the findings, regarding the achievement or non-achievement of the Mojave-Southern Great Basin Area Standards for Rangeland Health for the aforementioned allotment are summarized in Tables 1, 2 and 3, below.

Table 1. Summary of Assessment of the Mojave-Southern Great Basin Area Standards for the Garden Springs Allotment

Standard	Status
1. Soils	Achieved
2. Riparian and Wetland Sites Standard	Achieved
3. Habitat and Biota Standard	Achieved

Table 2. Summary of Assessment of the Mojave-Southern Great Basin Area Standards for the White Rock Allotment

Standard	Status
1. Soils	Achieved
2. Riparian and Wetland Sites Standard	Achieved
3. Habitat and Biota Standard	Achieved

Table 3. Summary of Assessment of the Mojave-Southern Great Basin Area Standards for the Summit Springs Allotment

Standard	Status
1. Soils	Not Achieving the Standard, but making significant progress towards
2. Riparian and Wetland Sites Standard	Achieved
3. Habitat and Biota Standard	Not Achieving the Standard, but making significant progress towards

The data indicate that grazing is in conformance with all applicable Guidelines. However, the new term permit will include terms and conditions directed toward the achievement/continued achievement of both, the Standards and Guidelines for Grazing Administration and other pertinent land use objectives for livestock use.

In addition, Best Management Practices (BMPs) will be included, as Terms and Conditions, in the term grazing permit. Utilization objectives for the allotment are a quantification of the land use plan objectives and will be included as a BMP.

Consultation and Coordination

On December 22, 2009, the annual Ely BLM annual Consultation, Cooperation and Coordination letter was mailed to individuals and organizations who have previously expressed an interest in

federal actions on the Ely District. The letter solicited public requests, regarding various program areas, to be a 2010 interested public.

On January 8, 2010, a letter was sent to local Native American tribes initiating the consultation compliance process in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended. The letter solicited input, requesting comments by February 8, 2010, for various permit renewals scheduled during 2010, including those on the Garden Spring, White Rock and Summit Spring Allotments. No comments were received.

On February 3, 2010 the Nevada Department of Wildlife was sent a copy of the proposed action via ftp. No comments were received.

On February 16, 2010 Newby Cattle Company (Authorization #2705036) was sent a letter informing them of the proposed term permit renewal process scheduled for their allotment during 2010 and arranged a meeting to discuss the proposed action. No comments were received.

On February 18, 2010, a BLM interdisciplinary team internally scoped the project and identified resource issues. Resources identified as potentially impacted included migratory birds, desert tortoise, and other special status animal species.

On April 14, 2010, the proposal to fully process the term permit, for Authorization 2705036, was posted on the Ely BLM internet site (http://www.blm.gov/nv/st/en/fo/ely_field_office.html).

On September 28, 2011, the U.S. Fish and Wildlife Service (USFWS) received BLM's request for Section 7 consultation (a request to append the Programmatic Biological Opinion (PBO) as contained in the Ely RMP - 2008) for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*) through a BLM memorandum dated September 27, 2011.

On October 19, 2011, the USFWS requested further information from the Caliente Field Office regarding the matter. On November 2, 2011, the USFWS received this information from the BLM. On November 21, 2011, a conference call was held between the USFWS and the BLM to discuss additional details outlined in the October 19, 2012 request for information. Through this conference, sufficient information was provided to address the USFWS's remaining questions.

Subsequently, the FWS provided a completed response to the request to append the PBO, dated January 9, 2012, which was received by the BLM on January 11, 2012.

On February 14, 2012, a meeting with the permittee (Authorization #2705036), was held, at the Caliente Field Office, to discuss the proposed action.

On April 30, 2012, the Preliminary EA was also posted on the NEPA Register webpage for a 15 day public review and comment period with the direct link to this webpage posted on the Ely BLM Homepage. No comments were received.

On May 1, 2012, the Preliminary EA was also submitted to the Nevada State Clearinghouse for a 15 day public review and comment period. Statements regarding general state water laws and existing water rights were cited by the Division of Water Resources and received as comments by the BLM.

On May 4, 2012, a hard copy of the Newby Cattle Company term permit renewal Preliminary EA was mailed to all interested publics who had expressed an interest in grazing permit renewals during the 2012 calendar year. The public mailing List, as updated through May 3, 2012, was used. On May 18, 2012, comments were received by Western Watersheds, via email; a hard copy of the same comments was received on May 21, 2012.

Relevant changes to the EA were made as appropriate.

LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR §4130.3, §4130.3-1 and §4130.3-2, the term permit for Newby Cattle Company (#2703530) on the Garden Spring, White Rock, and Summit Spring Allotments will be changed according to the following:

FROM:

ALLOTMENT		LIVESTOCK		GRAZING PERIOD		** % Public Land	Active Use	AUMs	
Name	Number	* Number	Kind	Begin	End			Hist. Susp. Use	Permitted Use
Garden Spring	01065	348	C	10/1	5/31	100	2777	0	2777
Garden Spring	01065	4	H	10/1	5/31	100	32	0	32
White Rock	01078	361	C	10/1	5/31	100	2880	0	2880
Summit Spring	01077	90	C	10/1	5/31	100	715	0	715

* This number is approximate

** This is for billing purposes only.

TO

ALLOTMENT		LIVESTOCK		GRAZING PERIOD		** % Public Land	Active Use	AUMs		
Name	Number	* Number	Kind	Begin	End			Hist. Susp. Use	Voluntary Non-Use	Permitted Use
Garden Spring	01065	464	C	11/1	4/30	100	1666	0	1111	2777
Garden Spring	01065	5	H	11/1	4/30	100	19	0	13	32
White Rock	01078	481	C	11/1	4/30	100	1728	0	1152	2880
Summit Spring	01077	181	C	11/1	2/28***	100	429	0	286	715

* This number is approximate

** This is for billing purposes only

*** This is only until funding is available for a fence to be constructed which prevents livestock from accessing desert tortoise critical habitat. Upon the completion of such fence construction, the season of use would be changed to 11/1 to 4/30.

The renewal of the term grazing permit will be for a period of up to 10 years. This decision will be effective upon the decision becoming final or pending final determination on appeal. If the grazing privileges are transferred during this ten year period - with no changes to the terms and conditions of the permit - the new term permit will be issued for the remainder of the 10 year period.

In addition, the following will be added to the term grazing permit, as Terms and Conditions, for Newby Cattle Company (#2703530) on the Garden Spring, White Rock, and Summit Spring Allotment.

The following terms and conditions would be added to the term grazing permit for Authorization #2705036, regarding the use of voluntary nonuse AUMs (temporary nonrenewable grazing):

1. A total of 2,562 AUMs (40% of all active use AUMs) will be placed in voluntary nonuse: 1124 AUMs on Garden Spring Allotment; 1152 AUMs on White Rock Allotment; and, 286 AUMs on Summit Spring Allotment.

The 2,562 AUMs will be placed into voluntary nonuse for up to 10 years, or until subsequent allotment evaluations are conducted to determine that changes to the new permit are needed.

2. Under the discretion of the BLM, the AUMs placed in voluntary non-use will be temporarily reinstated as Active AUMs whenever resource conditions result in a significant increase in annual forage production; thereby, dictating a need for fine fuels reduction (e.g., when precipitation events result in a flourishing of annual grasses).
3. The use of voluntarily non-use AUMs will be determined on an annual basis, and be available through temporary nonrenewable grazing (§ 4110.3-1 (a)). Stocking levels and grazing management practices will be evaluated prior to any anticipated livestock turnout.
4. The permittee must submit an application for any temporary reinstatement of voluntary non-use (temporary nonrenewable grazing). Any applications for voluntary non-use must be evaluated by an appropriate BLM team of specialists, and approved by the Authorized Officer.
5. The voluntary reduction of 40% of the active AUMs is not a permanent revocation of 40% of the current grazing privileges.

The following term and condition would be added to the term grazing permit regarding the season of use for the Summit Spring Allotment:

6. For the Summit Spring Allotment, the indicated season of use (11/1 – 2/28) will remain in effect until funding is available for a fence to be constructed which prevents livestock access into designated desert tortoise critical habitat within the allotment. Following fence construction, the season of use will be changed from 11/1 - 2/28 to 11/1 – 4/30.

To address the Clover Mountain and Mormon Mountain Wilderness Areas, created through the Lincoln County Conservation Recreation and Development Act P.L. 108-424, the following term and condition will be added to comply with the Wilderness Act of 1964 (P.L. 88-577) (see Congressional Grazing Guidelines in Appendix V of this EA):

7. No motorized access is permitted within the designated Mormon Mountain or Clover Mountain Wilderness Areas without approval of the Field Manager. Motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing

management needs are not available and such motorized use would not have an adverse impact on the natural environment.

The following Best Management Practices would be added to the term grazing permit for Authorization #2705036. Utilization objectives for the allotment are a quantification of the land use plan objectives and will be included as a BMP:

8. Under the discretion of the BLM, the permittee will use multiple watering locations within each allotment, during any given grazing season; watering locations will be used in a manner which will yield maximum livestock distribution within each allotment; and herding will be used where and when deemed necessary. Watering locations will include wells, reservoirs, spring developments, and water hauls. All water use will be in accordance with Nevada State Law.
9. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Garden Spring, White Rock and Summit Spring Allotments - during the authorized grazing use period will not exceed 40%.

The following terms and conditions, from the *Programmatic Biological Opinion for the Bureau of Land Management's Ely District Resource Management Plan* (File No. 84320-2008-F-0078) (RMP 2; pp. 132-133), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from the implementation of programs in general:

10. Prior to initiation of an activity within desert tortoise habitat, a desert tortoise awareness program shall be presented to all personnel who will be onsite, including but not limited to contractors, contractors' employees, supervisors, inspectors, and subcontractors. This program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; speed limits; the terms and conditions of this biological opinion including speed limits; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, etc.; and reporting procedures to be implemented in case of desert tortoise encounters or noncompliance with this biological opinion.
11. Tortoises discovered to be in imminent danger during projects or activities covered under this biological opinion, may be moved out of harm's way.
12. Desert tortoises shall be treated in a manner to ensure they do not overheat, exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises will be kept shaded at all times until it is safe to release them. No desert tortoise will be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95°F. Ambient air temperature will be measured in the shade, protected from wind, at a height of two inches above the ground surface. No desert tortoise will be captured if the ambient air temperature is anticipated to exceed 95°F before handling and relocation can be completed. If the ambient air temperature exceeds 95°F during handling or processing, desert tortoises will be kept

shaded in an environment that does not exceed 95°F and the animals will not be released until ambient air temperature declines to below 95°F.

13. Desert tortoises shall be handled by qualified individuals. For most projects, an authorized desert tortoise biologist will be onsite during project activities within desert tortoise habitat. Biologists, monitors, or anyone responsible for conducting monitoring or desert tortoise field activities associated with the project will complete the Qualifications Form (Appendix D) and submit it to the USFWS for review and approval as appropriate. The USFWS should be allowed 30 days for review and response.
14. A litter-control program shall be implemented to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from project areas to the trash receptacles following the close of each work day, and the proper disposal of trash in a designated solid waste disposal facility. Appropriate precautions must be taken to prevent litter from blowing out along the road when trash is removed from the site. The litter-control program will apply to all actions. A litter-control program will be implemented by the responsible federal agency or their contractor, to minimize predation on tortoises by ravens and other predators drawn to the project site.

The following terms and conditions, also from the *Programmatic Biological Opinion* (RMP 7; pp. 138-140), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from permitting livestock grazing:

15. Livestock grazing may continue in desert tortoise habitat under the previous conditions established under the Caliente Management Framework Plan (MFP) Amendment until such time the term permit come up for renewal based on the existing permit expiration dates. Those allotments or portion of allotments in desert tortoise critical habitat will be a priority for review and issuance of term permit. During this interim period for grazing within desert tortoise habitat outside the Mormon Mesa, Kane Springs, and Beaver Dam Slope ACECs: Livestock use may occur from March 1 to October 31, as long as forage utilization management levels are monitored and do not exceed 40% on key perennial grasses, shrubs and perennial forbs; and between November 1 and February 28/29, provided forage utilization management levels are monitored and do not exceed 50% on key perennial grasses and 45% on key shrubs and perennial forbs. If the utilization management levels are reached, livestock will be moved to another location within the allotment or taken entirely off the allotment. No livestock grazing will occur in desert tortoise critical habitat March 1 through October 31.
16. Livestock grazing in desert tortoise habitat shall be managed in accordance with the most current version of the Desert Tortoise Recovery Plan, including allotments or portions of allotments that become vacant and occur within desert tortoise critical habitat outside of ACECs. Grazing may continue in currently active allotments until such time they become vacant. BLM will work with the permittees of active allotments to implement changes in grazing management to improve desert tortoise habitat which may include use of water, salt and mineral licks, or herding to move livestock; changes in season of use and/or stocking rates; installation of exclusionary fences; reconfiguring pasture or allotment boundaries; and retiring pastures or allotments.

17. When BLM proposes to issue a term permit or other type of grazing authorization, BLM shall provide the following to the USFWS with their request to append the action to this biological opinion:
 - An allotment-level assessment of current conditions (relative to listed species habitat); if unknown, a description of, and timeframe for actions BLM will implement to collect such information;
 - a plan and schedule for monitoring listed species habitat on the allotment;
 - a description of the grazing system and how it will minimize conflicts with listed species habitat;
 - proposed actions or remedies (e.g., reduce utilization levels, reduce AUMs, limit season-of-use) if listed species habitat has not attained the goals for the allotment; and
 - other information requested by the USFWS that is necessary to conclude activity-level consultation.
18. BLM and USFWS will cooperatively develop livestock grazing utilization levels or other thresholds, as appropriate for each of the listed species. These levels or thresholds shall be incorporated into each of the allotment term permit for those allotments that overlap with habitat for the listed species.
19. The permittee shall be required to take immediate action to remove any livestock that move into areas unavailable for grazing. If straying of livestock becomes problematic, BLM, in consultation with the USFWS, will take measures to ensure straying is prevented.
20. All vehicle use in listed species habitat associated with livestock grazing, with the exception of range improvements, shall be restricted to existing roads and trails. Permittees and associated workers will comply with posted speed limits on access roads. No new access roads will be created.
21. Use of hay or grains as a feeding supplement shall be prohibited within grazing allotments. Where mineral and salt blocks are deemed necessary for livestock grazing management they will be placed in previously disturbed areas at least one half mile from riparian areas wherever possible to minimize impacts to flycatchers and listed fishes and their habitat. In some cases, blocks may be placed in areas that have a net benefit to tortoise by distributing livestock more evenly throughout the allotment, and minimizing concentrations of livestock that result in habitat damage. Water haul sites will also be placed at least one half mile from riparian areas.
22. Site visits shall be made to active allotments by BLM rangeland specialists and other qualified personnel, including USFWS biologists, to ensure compliance with the terms and conditions of the grazing permit. Any item in non-compliance will be rectified by BLM and permittee, and reported to the USFWS.
23. Livestock levels shall be adjusted to reflect significant, unusual conditions that result in a dramatic change in range conditions (e.g., drought and fire) and negatively impact the ability of the allotment to support both listed species and cattle.

In relation to grazing, there would be no additional terms and conditions needed for management practices to conform to guidelines to either strive for the achievement or maintain the achievement of the Standards for Rangeland Health.

Standard Operating Terms and Conditions:

In accordance with 43 CFR § 4130.3, § 4130.3-1 and § 4130.3-2, the following will also be included as terms and conditions in the term grazing permit for Newby Cattle Company on the Garden Spring, White Rock, and Summit Springs Allotments.

1. Livestock numbers identified in the Term Grazing Permit are a function of seasons of use and permitted use. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations are consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
2. The authorized officer is requiring that an actual use report (Form 4130-5) be submitted within 15 days after completing your annual grazing use.
3. Grazing use will be in accordance with the Standards and Guidelines for Grazing Administration. The Standards and Guidelines have been developed by the respective Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR Subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.
4. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.
5. The permittee must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of any hazardous or solid wastes as defined in 40 CFR Part 261.
6. The permittee is responsible for all maintenance of assigned range improvements including wildlife escape ramps for both permanent and temporary water troughs.
7. When necessary, control or restrict the timing of livestock movement to minimize the transport of livestock-borne noxious weed seeds, roots, or rhizomes between weed-infested and weed-free areas.
8. Livestock will be moved to another authorized pasture (where applicable) or removed from the allotment before utilization objectives are met or no later than 5 days after meeting the utilization objectives. Any deviation in livestock movement will require authorization from the authorized officer.
9. The placement of mineral or salt supplements will be a minimum distance of 1/2 mile from known water sources, riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt

supplements will also be one mile from active sage-grouse leks. Placing supplemental feed (i.e. hay, grain, pellets, etc.) on public lands without authorization is prohibited.

Rationale

A Summary of the Assessment of the Mojave-Southern Great Basin Area Standards for the Garden Spring, White Rock, and Summit Spring Allotments is displayed in Tables 1, 2 and 3, above (Tables 1.2-1, 1.2-2 and 1.2-3 of the Environmental Assessment). Monitoring data review and assessment findings indicate that all three Standards are being achieved on the Garden Spring and White Rock Allotments.

Findings also indicate that Standard 2 is being achieved for the Summit Spring Allotment; contrastingly, data shows that Standards 1 and 3 are not being achieved on this allotment. However, the reason for non-achievement is due to wildland fire as analyzed in the SDD.

The data also indicate that grazing is in conformance with all applicable Guidelines.

Stocking rate calculations were not determined for any of the allotments because the primary forage, during the growing season, is composed of annual grass species which fluctuate greatly depending on annual weather patterns. Consequently, annual use on the allotments has frequently been significantly below the combined Total Active AUMs of the permit - with an average of 43% actual use of permitted AUMs over the past 10 years - due to voluntary non-use as a result of fluctuations in annual production.

However, utilization transects showed slight to moderate use levels, indicating that the grazing system is meeting proper utilization objectives. This also indicates that the 10-year average actual use levels are appropriate for the current conditions, and are supporting vegetation production at levels that are sustainable to grazing while maintaining or improving ecological function. During an average year, grazing 100% of Total Active Use could have the potential to exceed the moderate use level (45%). However, during years of high annual grass production where production can exceed 1000 lbs. per acre, such as during 2005 which resulted in catastrophic wildfires, grazing 100% of Total Active AUMs would not exceed the moderate use level (45%), on perennial forage, and could aid in reducing fuel loading, fire intensity and severity.

The establishment of these levels allows for better management of rangeland resources, because they are tied to forage availability rather than a set AUM amount. These levels allow for flexibility to accommodate annual range conditions; prevent overgrazing; and safeguard residual forage for wildlife habitat, plant recovery and productivity, and watershed function.

However, the current season of use (10/1 – 5/31) doesn't allow for the potential of periodic spring rest during portions of the critical growing period for plants. Consequently, there is the potential that it would not allow for the type of root mass and subsequent above ground biomass development which lends itself to healthy, vigorous growing plants; especially grasses. It is

believed that annual spring grazing could potentially steadily diminish the root systems of the grasses, causing above ground biomass to correspondingly diminish over time¹. Therefore, shortening the season of use on all three allotments would result in grazing which neither occurs during the latter portion of the critical growing period for cool season plants, nor during a portion of the critical growing period for warm season plants. This would favor plant growth and seed set requirements in both, warm season and cool season grasses. It would also allow the potential for grazed cool season plants, which may have begun some spring growth, to continue growth which would aid in allowing such plants: to develop above ground biomass to protect soils and provide desirable perennial cover for wildlife; to contribute to litter cover; and to continue to develop root masses which would lend itself to improved carbohydrate storage for vigor and reproduction.

Consequently, the benefits to plant physiology, added soil protection and wildlife cover would be enhanced; the plant quality and volume of existing perennial forage species would be promoted; and the potential for loss of desired plant species, due to repeated spring grazing during the critical growing period, would decline. Summarily, this would impact the desired forage base in a positive manner and result in an improvement of overall range condition.

Retaining the current total Active Use AUMs, and allowing for voluntary non-use of a portion those AUMs (temporary nonrenewable grazing under § 4110.3-1 (a)), would also allow the ability to increase grazing use during years of high annual grass production while targeting weed species when they are most palatable and, consequently, vulnerable to grazing. This would also help reduce fuel loading, thereby lending itself to reduced fire frequency, intensity and severity while facilitating burn area recovery.

Existing permanent watering locations spread throughout the allotments provide a means to help control livestock. Rotating livestock throughout the allotments by providing water at different locations at different times, during a grazing season, can improve livestock distribution to achieve a more uniform utilization level within the allotment; reduce the potential for unacceptable utilization levels; and provide benefits to wildlife, regarding not only forage and cover, but additional water availability during the livestock grazing season.

The installation and maintenance of bird ladders would allow a means of escape for wildlife.

It is anticipated and reasonable to expect, then, that the Standards being met on the Garden Spring and White Rock Allotments would continue to be achieved, while significant progress towards the achievement of Standards 1 and 3 would continue on the Summit Spring Allotment.

The Proposed Action would add other terms and conditions to the permit that would minimize incidental take of desert tortoises; aid in reducing fuel loading, fire intensity and severity; satisfy the Wilderness Act of 1964; and aid in achieving/maintaining the Mojave-Southern Great Basin Standards.

¹ Dietz, Harland E. 1989. Grass: the Stockman's Crop, How to Harvest More of It. Special Report. Sunshine Unlimited, Inc. 15 pp.

Land Use Plan Conformance

The proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP) dated August 20, 2008. The proposed action is specifically provided for in the following Management Decisions: “LG-1: Make approximately 11,246,900 acres and 545,267 animal unit months available for livestock grazing on a long-term basis. LG-5: Maintain the current preference, season-of-use, and kind of livestock until the allotments that have not been evaluated for meeting or making progress toward meeting the standards or are in conformance with the policies are evaluated. Depending on the results of the standards assessment, maintain or modify grazing preference, seasons-of-use, kind of livestock, and grazing management practices to achieve the standards for rangeland health. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, or kind of livestock. Ensure changes continue to meet the RMP goals and objectives, including the standards for rangeland health.”

This decision also complies with BLM Nevada Instruction Memorandum (IM) No. NV-2006-034 which provides guidance to facilitate the preparation of grazing permit renewal Environmental Assessments (EAs) as per the requirement set forth in BLM Washington Office IMs WO 2003-071 and WO 2004-126.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations (2004), which states in pertinent part(s):

§ 4130.2 Grazing Permits and Leases

- (a) States in part: “Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands administered by the Bureau of Land Management that are designated as available for livestock grazing through land use plans.”

§ 4130.3: “Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and ensure conformance with the provisions of subpart 4180 of this part.”

§ 4130.3-1 Mandatory terms and conditions.

- (a) “The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.

- (b) All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.
- (c) Permits and leases shall incorporate terms and conditions that ensure conformance with subpart 4180 of this part.”

§ 4130.3-2 Other Terms and Conditions

“The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands.”

§ 4160.1 Proposed Decisions

- (a) “Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.
- (b) Proposed decisions shall state the reasons for the action and shall reference the pertinent terms, conditions and the provisions of applicable regulations. As appropriate, decisions shall state the alleged violations of specific terms and conditions and provisions of these regulations alleged to have been violated, and shall state the amount due under §§ 4130.8 and 4150.3 and the action to be taken under § 4170.1.
- (c) The authorized officer may elect not to issue a proposed decision prior to a final decision where the authorized officer has made a determination in accordance with § 4110.3-3(b) or § 4150.2(d).”

§ 4180.1 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

“The authorized officer shall take appropriate action under subparts 4110, 4120, 4130, and 4160 of this part as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

- (a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.

- (b) Ecological processes, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.
- (c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.
- (d) Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species.”

PROTEST AND APPEAL

Protest

In accordance with 43 CFR § 4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under § 4160.1 of this title, in person or in writing within 15 days after receipt of such decision to:

Victoria Barr
Field Manager
Caliente Field Office
1400 S. Front Street
Box 237
Caliente, NV 89008

The protest, if filed, must clearly and concisely state the reason(s) why the protestant thinks the proposed decision is in error.

In accordance with 43 CFR § 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR § 4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer will reconsider the proposed decision and shall serve the final decision on the protestant and the interested public.

Appeal

In accordance with 43 CFR §§ 4.470 and 4160.4, any person who wishes to appeal or seek a stay of a BLM grazing decision must follow the requirements set forth in 4.470 through 4.480 of this title. The appeal or petition for stay must be filed with the BLM office that issued the decision within 30 days after its receipt or within 30 days after the proposed decision becomes final as provided in § 4160.3 (a).

The appeal and any petition for stay must be filed at the office of the authorized officer:

Victoria Barr
Field Manager
Caliente Field Office
1400 S. Front Street
Caliente, NV 89008

Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region,

U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

Sincerely,

Victoria Barr
Field Manager
Caliente Field Office

Enclosures

cc:

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Nevada State Clearinghouse

Clearinghouse@budget.state.nv.us
(Electronic Copy)

FINDING OF NO SIGNIFICANT IMPACT

Newby Cattle Company (#2705036)
on the
Garden Spring (#01065), White Rock (#01078) and Summit Spring (#01077)
Allotments

DOI-BLM-NV-L030-2011-0002 EA

I have reviewed Environmental Assessment (EA) (DOI-BLM-NV-L030-2011-0002 EA). After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action associated with fully processing the term permit renewal identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required. Environmental Assessment DOI-BLM-NV-L030-2011-0002 EA has been reviewed through the interdisciplinary team process.

Rationale:

I have determined the proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP/ROD) to manage the public lands administered by the Bureau of Land Management's Ely District Office (August 20, 2008).

This proposed term permit renewal would be effective in improving/maintaining rangeland health and watershed condition on public lands within the Garden Spring, White Rock and Summit Spring Allotments. Through the introduction and implementation of the sound livestock management practices associated with the Proposed Action, progression will be made towards achievement of Standards and conformance to the Guidelines for Grazing Administration.

The finding and conclusion of no significant impact is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context:

The Garden Spring Allotment is 38,823 public land acres in Lincoln County, and is located 35 miles south of Caliente, Nevada (Appendix I). In 2004, approximately 2% (924 acres) of the allotment was designated as part of the Clover Mountain Wilderness Area. This occurs in a small portion of the northwest corner of the allotment.

The White Rock Allotment is 32,916 public land acres in Lincoln County, and is located 35 miles south of Caliente, NV (Appendix I). In 2004, the White Rock Allotment had approximately 25% (7,836 acres) of the allotment was designated as part of the Mormon Mountain Wilderness Area. This occurs in the southwest corner of the allotment.

The Summit Spring Allotment is 18,035 public land acres in Lincoln County and is located 35 miles south of Caliente, Nevada (Appendix I). No designated wilderness occurs within the Summit Spring Allotment.

Portions of the Garden Spring and White Rock Allotments contain desert tortoise habitat. The entire Summit Spring Allotment is located within desert tortoise habitat with 6% (2,799 acres) of its area, located in the southeast portion of the allotment, designated as desert tortoise critical habitat in 1994. None of the allotments contain desert tortoise Areas of Critical Environmental Concern (ACECs).

None of the allotments, and none of their portions, are associated with Wild Horse Herd Management Areas (HMA).

Lincoln County is sparsely populated, with approximately 5,345 (2010 census) people living mostly within five towns. Although the acreage involved is extensive, impacts from livestock grazing are dispersed, and compatible with the rural, agricultural setting throughout most of the County.

Intensity:

1) *Impacts that may be both beneficial and adverse.*

The Environmental Assessment considered both, beneficial and adverse impacts of the proposed action. None of the impacts disclosed in the EA approach the threshold of significance (i.e., exceeding air or drinking water quality standards, contributing a decline in the population of a listed species, etc.). None of the resource impacts are intensely adverse or beneficial.

2) *The degree to which the proposed action affects public health or safety.*

The Proposed Action will not result in potentially substantial or adverse impacts to public health and safety.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

The Ely RMP EIS has evaluated the impacts of livestock grazing on natural resources and unique geographic characteristics found on public lands throughout the district, and decisions were made to eliminate grazing in areas where the impacts could cause unacceptable degradation to natural resources and unique geographic characteristics. No site specific concerns were identified in the EA.

There are no parks, wetlands, wild and scenic rivers or ecologically critical areas (ACECs) found within the allotments.

Designated Prime and unique farmland is not found within any of the allotments.

Historic and cultural resources identified in the proposed area were reviewed and analyzed. No effects to unique characteristics of the geographic area such as proximity to historic or cultural resources were identified.

- 4) ***The degree to which the effects on the quality of the human environment are likely to be highly controversial.***

Whereas, it may be controversial to continue to permit livestock grazing on public lands in spite of the effects, there is little controversy as to what they are. The Ely RMP EIS analyzed several alternatives with various effects to conflicting uses of natural resources and disclosed these effects. Decisions were made to continue livestock grazing in areas deemed appropriate.

- 5) ***The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.***

The effects of livestock grazing are well known and documented. Management practices are employed to meet resource objectives and maintain or achieve rangeland health. The Ely RMP EIS analyzed the effects of livestock grazing throughout the district and has eliminated grazing in areas where unique environmental risks could occur.

- 6) ***The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.***

The Proposed Action will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Renewing the grazing permits does not establish a precedent for other Rangeland Health Assessments and Decisions. Any future actions or projects - within either the proposed action area or surrounding areas - will be analyzed and evaluated as a separate action; and, independently of the current proposed action.

- 7) ***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***

No significant cumulative impacts have been identified in the EA. Past, present, and reasonably foreseeable future actions in the cumulative impact assessment area would not result in cumulatively significant impacts. For any actions that may be propose in the future, further environmental analysis, including the assessment of cumulative impacts, will be required.

- 8) ***The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.***

A *Findings for Cultural Resources Needs Assessment* was completed February 3, 2011. Findings indicate that there are no identified Traditional Cultural Properties within the area of potential effect of this project. Therefore, the proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources. This project will have no effect on any Cultural ACECs. The proposed action is a “Section 106 No Effect” exclusion.

It should be noted that all range improvements, surface disturbing projects, and changes in grazing patterns that will concentrate grazing and may create impacts related to this permit will be subject to Section 106 review and, if needed, SHPO consultation as per the BLM Nevada's implementation of the Protocol for cultural resources.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

The BLM is required by the Endangered Species Act of 1973, as amended, to ensure that no action on the public lands jeopardizes a threatened, endangered, or proposed species.

Wildlife species (plant and animal) that occur in or near the project area are listed in Appendix V of the EA.

Portions of the Garden Spring and White Rock Allotments contain habitat for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*). The entire Summit Spring Allotment is located within desert tortoise habitat with 6% (2,799 acres) of its area, located in the southeast portion of the allotment, designated as desert tortoise critical habitat in 1994. None of the allotments contain desert tortoise Areas of Critical Environmental Concern (ACECs). Formal section 7 consultation for this species, between the Bureau of Land Management and the United States Fish and Wildlife Service (USFWS), was completed on January 9, 2012, which was received by the BLM on January 11, 2012.

After reviewing the current status of the desert tortoise, the environmental baseline for the action area, and the effects of the proposed action, it was the USFWS's biological opinion that the proposed action was within the scope of the Programmatic Biological Opinion contained in Ely's District Record of Decision and Approved Resource Management Plan (August 2008); and was, therefore, not likely to jeopardize the continued existence of the Mojave desert tortoise.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

Victoria Barr
Field Manager
Caliente Field Office

Date

**U.S. Department of the Interior
Bureau of Land Management**

Environmental Assessment

DOI-BLM-NV-L030-2011-0002-EA

October 15, 2012

Grazing Term Permit Renewal for Newby Cattle Company (#2705036)
on the
Garden Spring (#01065), White Rock (#01078)
and Summit Spring (#01077) Allotments

Lincoln County, Nevada

U.S. Department of the Interior
Bureau of Land Management
Caliente Field Office
Phone: (775) 726-8100
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1.0 Introduction: Need for Action

This document identifies issues, analyzes alternatives, and discloses the potential environmental impacts associated with the proposed term grazing permit renewal for authorization #2705036 on the Garden Spring (01065), White Rock (01078) and Summit Spring (01077) allotments.

These land and water based allotments are located within Lincoln County in the southern portion of the Ely District BLM, 34 miles south of Caliente, Nevada, and 27 miles northwest of Mesquite, Nevada (Appendix I, Map 1). They encompass 89,812 acres and are located within the Tule Desert Watershed (#218).

General Allotment Location:

USGS Map: 1:100K Clover Mountains 1:24K: Garden Spring, Blue Nose Peak, Toquop Gap, Lyman Crossing, Carp, Tule Spring, Lime Mountain, Jacks Mountain, Mesquite NW Landscape Area: Tule Desert Legal Description: General location of these allotments: T.08S R.68-69E, T.09S R.68-69E, T.10S R.68-70E

1.1 Background

Current management practices are a reflection of Best Management Practices (BMPs) as coordinated between the permittee and the appropriate BLM Range Management Specialist.

1.2 Introduction of the Proposed Action.

The BLM proposes to fully process and issue a new term grazing permit, for authorization #2705036, which would authorize livestock grazing on the Garden Spring, White Rock, and Summit Spring Allotments.

Standards and Guidelines for Grazing Administration developed by the Mojave-Southern Great Basin Resource Advisory Council (RAC) and approved by the Secretary of the Interior on February 12, 1997.

The BLM collected and analyzed monitoring data, and conducted professional field observations, as part of the permit renewal process. This information was used to evaluate livestock grazing management and rangeland health within the Garden Spring, White Rock, and Summit Spring Allotments. Subsequently, an evaluation of rangeland health along with recommendations associated with grazing management practices, in the form of a Standards Determination Document (SDD), was completed in 2011 (Appendix II).

Changes to grazing management are recommended which would establish an Allowable Use Level (AUL) along with other Best Management Practices (BMPs) within the allotments. The BMPs would assist in achieving or maintaining the Standards.

A summary of the RAC Standards assessment is found in Tables 1.2-1, 1.2-2, and 1.2-3 below.

Table 2.2-1. Summary of Assessment of the Mojave-Southern Great Basin Area Standards for the Garden Spring Allotment

Standard	Status
1. Soils	Achieved
2. Riparian and Wetland Sites Standard	Achieved
3. Habitat and Biota Standard	Achieved

Table 1.2-2. Summary of Assessment of the Mojave-Southern Great Basin Area Standards for the White Rock Allotment

Standard	Status
1. Soils	Achieved
2. Riparian and Wetland Sites Standard	Achieved
3. Habitat and Biota Standard	Achieved

Table 1.2-3. Summary of Assessment of the Mojave-Southern Great Basin Area Standards for the Summit Spring Allotment

Standard	Status
1. Soils	Not Achieving the Standard, but making significant progress towards
2. Riparian and Wetland Sites Standard	Achieved
3. Habitat and Biota Standard	Not Achieving the Standard, but making significant progress towards

1.3 Need for the Proposed Action.

The need for the proposal is to authorize grazing use on public lands in a manner which satisfies Sec. 402 of the Federal Land Policy and Management Act (FLPMA) (1976) and the Taylor Grazing Act (1934) while also being consistent with multiple uses, sustained yield, and the Standards for Rangeland Health; to manage livestock in accordance with all applicable laws, regulations, and policies; and, to renew the term grazing permit for authorization #2705036 on the Garden Spring, White Rock, and Summit Spring Allotments while introducing BMPs – along with specific (mandatory) terms and conditions – directed toward achieving and/or maintaining the applicable Standards and Guidelines for Grazing Administration.

Additionally, there is a need to fully process permit #2705036 as the current permit was issued under the authority of Section 416, Public Law 111-88 for the period 1/21/2010 – 2/28/2012.

1.3.1 Objectives for the Proposed Action.

- To renew the grazing term permit for Authorization #2705036 and authorize grazing in accordance with applicable laws, regulations, and land use plans (LUP) on 89,812 acres of public land

- To improve and maintain vegetative health and growth conditions on the allotment while continuing to meet the Standards and Guidelines for rangeland health as approved and published by Mojave-Southern Great Basin RAC

1.4 Relationship to Planning

The proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP) (August 2008), which states as a goal (p. 85): “Manage livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health.” It further states as an objective (p. 86): “To allow livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health.”

Management Action LG-1 states “Make approximately 11,246,900 acres and 545,267 animal unit months available for livestock grazing on a long-term basis.”

Management Action LG-3 states, “Allow allotments or portions of allotments within desert tortoise habitat, but outside of Areas of Critical Environmental Concern (ACECs) to remain at current stocking levels unless a subsequent evaluation indicates a need to change the stocking level.”

Management Action LG-4 states, “Continue to monitor and evaluate allotments to determine if they are continuing to meet or are making significant progress toward meeting the standards for rangeland health. Table E-1 in Appendix E (RMP 2008) shows the current grazing preference, season-of-use, and kind of livestock for those allotments that currently are evaluated for meeting standards, are making progress towards achieving the standards, or are in conformance with the policies as determined either through the allotment evaluation process or associated with fully processed term permit renewals. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, or kind of livestock. Such changes will continue to meet the RMP goals and objectives, including the standards for rangeland health.

Management Action LG-5 states, “Maintain the current grazing preference, season-of-use, and kind of livestock until the allotments that have not been evaluated for meeting or making progress toward meeting the standards or are in conformance with the policies are evaluated. Depending on the results of the standards assessment, maintain or modify grazing preference, seasons-of-use, kind of livestock and grazing management practices to achieve the standards for rangeland health. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, or kind of livestock. Ensure changes continue to meet the RMP goals and objectives, including the standards for rangeland health.”

Management Action LG-8 states, “Implement management actions for desert tortoise habitat contained in the 2008 Biological Opinion.”

1.5 Relationship to Other Plans

The proposed action is consistent with the Revised Recovery Plan for the Mojave Population of the Desert Tortoise (U.S. Fish and Wildlife Service 2011).

The proposed action is also consistent with the *Lincoln County Public Lands Policy Plan* (2010) which states (p. 38):

“Policy 4-4: Grazing should utilize sound adaptive management practices consistent with the BLM Mojave-Southern Great Basin Resource Advisory Council’s Standards and Guidelines for Grazing Administration. Lincoln County supports the periodic updating of the Nevada Rangeland Monitoring Handbook to help establish proper levels of grazing. Lincoln County supports accountability between BLM and Lincoln County Commission to assure these management practices are carried out in a timely and professional manner.

Policy 4-5: Allotment management strategies should be developed that provide incentives to optimize stewardship by the permittee. Flexibility should be given to the permittee to reach condition standards for the range. Monitoring should utilize all science-based relevant studies, as described in the current Nevada Rangeland Monitoring Handbook. Changes to these standards should involve pre-planning collaborative consultation with the permittee and Lincoln County Commission.”

In addition, the proposed action is also consistent with the following:

- Nevada Comprehensive Bird Conservation Plan (2010)
- Nevada Comprehensive Wildlife Conservation Plan (2005)
- Mormon Mountains, Meadow Valley Range and Delamar Mountains Wilderness Management Plan (2009)
- Clover Mountain and Tunnel Spring Wilderness Management Plan (2010)
- Nevada Department of Wildlife Bighorn Sheep Management Plan (2001)

1.6 Relationship to Acts, Executive Orders, Agreements and Guidance

The proposed action was analyzed within the scope of other relevant Acts, Executive Orders and associated regulations, Agreements and Guidance listed below and found to be in compliance:

- State Protocol Agreement between the Bureau of Land Management (BLM), Nevada and the Nevada State Historic Preservation Office (October 26, 2009)
- National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470 as amended through 2000)

- Archaeological Resources Protection Act (ARPA) (1979)
- Migratory Bird Treaty Act (1918 as amended) and Executive Order 13186 (1/11/01)
- Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds (2001)
- The National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347, January 1, 1970, as amended 1975 and 1994)
- The Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701-1782, October 21, 1976, as amended 1978, 1984, 1986, 1988, 1990-1992, 1994 and 1996)
- Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (12 February 1997)
- Endangered Species Act (ESA) (1973)

1.7 Tiering

This document is tiered to the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (Ely PRMP/FEIS, Volumes I and II) (November 2007).

1.8 Relevant Issues and Internal Scoping/Public Scoping

On January 8, 2010 a letter was sent to local Native American tribes requesting comments by February 8, 2010 regarding the permit renewal process for Authorization #2705036, on the Garden Spring, Summit Spring, and White Rock Allotments. No comments were received.

On February 18, 2010, a BLM interdisciplinary team internally scoped the project and identified resource issues. Resources identified as potentially impacted included migratory birds, desert tortoise, and other special status animal species.

On February 14, 2012, a meeting with the permittee (Authorization #2705036), was held, at the Caliente Field Office, to discuss the proposed action.

On April 30, 2012, the Preliminary EA was also posted on the NEPA Register webpage for a 15 day public review and comment period with the direct link to this webpage posted on the Ely BLM Homepage. No comments were received.

On May 1, 2012, the Preliminary EA was also submitted to the Nevada State Clearinghouse for a 15 day public review and comment period. Statements regarding general state water laws and existing water rights were cited by the Division of Water Resources and received as comments by the BLM.

On May 4, 2012, a hard copy of the Newby Cattle Company term permit renewal Preliminary EA was mailed to all interested publics who had expressed an interest in grazing permit renewals during the 2012 calendar year. The purpose of the mailing was to solicit comments. On May 18, 2012, comments were received by Western Watersheds, via email; a hard copy of the same comments was received on May 21, 2012.

Relevant and appropriate changes were made to the EA.

2.0 Alternatives Including the Proposed Action

2.1 Proposed Action

The BLM proposes to fully process and issue a new term grazing permit for Authorization #2705036, which would authorize livestock grazing on the Garden Spring, White Rock, and Summit Spring Allotments.

Part 1

The first part of the proposed action would change the season of use on all three allotments.

For the White Rock and Garden Spring Allotments, the season of use would be changed from 10/1 – 5/31 to 11/1 – 4/30.

The Summit Spring Allotment contains desert tortoise critical habitat (Map 4 in Appendix B of SDD in Appendix II of EA). This critical habitat is not fenced from the remainder of the allotment, therefore livestock can gain access. According to the RMP (2008), livestock grazing is not permitted from 3/1 – 10/31 within designated desert tortoise critical habitat (PBO, Reasonable and Prudent Measure 7.a.).

Therefore, for the Summit Spring Allotment the season of use would be changed from 10/1 – 5/31 to 11/1 to 2/28. This season of use would remain in effect until funding is available to construct a fence which would prevent livestock access into designated desert tortoise critical habitat within the allotment. Following such fence construction, the season of use would be changed from 11/1 - 2/28 to 11/1 – 4/30.

Part 2

The Garden Spring, White Rock and Summit Spring Allotments have suffered major wild fires with emergency stabilization treatments occurring subsequently (Map 6 in Appendix B of SDD in Appendix II of EA). Field observations have shown that the wild fires have resulted in a reduction in perennial forage availability and a flourishing of annual grasses within the allotments when precipitation is sufficient.

As a result, the permittee agreed to accept a voluntary reduction of 40% of the current Active AUMs for all three allotments.

Therefore, the second part of the proposed action would be the placement of 40% of the current active AUMs for all three allotments into voluntary non-use - leaving the remaining sixty percent as active AUMs - for up to 10 years with the following provision

Under the discretion of the BLM, the AUMs placed in voluntary non-use would be temporarily reinstated - as Active AUMs - whenever resource conditions resulted in a significant increase in annual forage production, and dictated a need for fine fuels reduction (e.g., when precipitation events result in a flourishing of annual grasses). This would provide an aid for fuels management purposes, through the use of temporary nonrenewable grazing, should such a condition occur (§ 4110.3-1 (a)).

It should be noted that the voluntary reduction of 40% of the active AUMs is not a permanent revocation of 40% of the current grazing privileges. Therefore, the permitted use for the new permit would remain the same as the current permit. The reduction would prevail, for up to 10 years, or until subsequent allotment evaluations are conducted to determine that changes to the new permit are needed.

The permittee would be required to submit an application for any temporary reinstatement of voluntary non-use, the application would have to be evaluated by an appropriate BLM team of specialists and subsequently approved by the Authorized Officer.

It should be emphasized, that each annual grazing authorization would be based on annual forage availability; and the terms and conditions included in the new term permit.

Furthermore, under the discretion of the BLM, the permittee would be required to use multiple watering locations within each allotment, during any given grazing season; to use such watering locations in a manner which would yield maximum livestock distribution within each allotment; and to use herding where and when deemed necessary.

2.1.1 Current Permit

The current term grazing permit, for the Authorization #2705036, has been issued for the period 1/21/2010 – 2/28/2012. Tables 2.1.1-1 and 2.1.1-2, below, display the current term grazing permit.

Table 2.1.1-1. Current Term Grazing Permit for Authorization #2703530 on the Garden Spring, White Rock, and Summit Spring Allotment.

ALLOTMENT		LIVESTOCK		GRAZING PERIOD		** % Public Land	Active Use	AUMs	
Name	Number	* Number	Kind	Begin	End			Hist. Susp. Use	Permitted Use
Garden Spring	01065	348	C	10/1	5/31	100	2777	0	2777
Garden Spring	01065	4	H	10/1	5/31	100	32	0	32
White Rock	01078	361	C	10/1	5/31	100	2880	0	2880
Summit Spring	01077	90	C	10/1	5/31	100	715	0	715

* This number is approximate

** This is for billing purposes only.

2.1.2 Proposed Term Permit

Table 2.1.2-1 below, displays the proposed term grazing permit for Authorization #2705036.

Table 2.1.2-1. Proposed Term Grazing Permit for Authorization #2705036 on the Garden Spring, White Rock, and Summit Spring Allotments.

ALLOTMENT		LIVESTOCK		GRAZING PERIOD		** % Public Land	Active Use	AUMs		
Name	Number	* Number	Kind	Begin	End			Hist. Susp. Use	Voluntary Non-Use	Permitted Use
Garden Spring	01065	464	C	11/1	4/30	100	1666	0	1111	2777
Garden Spring	01065	5	H	11/1	4/30	100	19	0	13	32
White Rock	01078	481	C	11/1	4/30	100	1728	0	1152	2880
Summit Spring	01077	181	C	11/1	2/28***	100	429	0	286	715

* This number is approximate

** This is for billing purposes only

*** This is only until funding is available for a fence to be constructed which prevents livestock from accessing desert tortoise critical habitat. Upon the completion of such fence construction, the season of use would be changed to 11/1 to 4/30.

The new term permit would include terms and conditions which further assist in achieving and maintaining the Standards and Guidelines for Grazing Administration in addition to other pertinent land use objectives for livestock use (Appendix III).

The renewal of the term grazing permit would be for a period of up to 10 years. If the permittee transfers the grazing privileges during this ten year period - with no changes to the terms and

conditions of the permit – the BLM will issue a new term permit for the remainder of the 10 year period.

The following terms and conditions would be added to the term grazing permit for Authorization #2705036, regarding the application of voluntary nonuse AUMs (temporary nonrenewable grazing):

24. A total of 2,562 AUMs (40% of all active use AUMs) will be placed in voluntary nonuse: 1124 AUMs on Garden Spring Allotment; 1152 AUMs on White Rock Allotment; and, 286 AUMs on Summit Spring Allotment.

The 2,562 AUMs will be placed into voluntary nonuse for up to 10 years, or until subsequent allotment evaluations are conducted to determine that changes to the new permit are needed.

25. Under the discretion of the BLM, the AUMs placed in voluntary non-use will be temporarily reinstated as Active AUMs whenever resource conditions result in a significant increase in annual forage production; thereby, dictating a need for fine fuels reduction (e.g., when precipitation events result in a flourishing of annual grasses).
26. The use of voluntarily non-use AUMs will be determined on an annual basis, and be available through temporary nonrenewable grazing (§ 4110.3-1 (a)). Stocking levels and grazing management practices will be evaluated prior to any anticipated livestock turnout.
27. The permittee must submit an application for any temporary reinstatement of voluntary non-use (temporary nonrenewable grazing). Any applications for voluntary non-use must be evaluated by an appropriate BLM team of specialists, and approved by the Authorized Officer.
28. The voluntary reduction of 40% of the active AUMs is not a permanent revocation of 40% of the current grazing privileges.

The following term and condition would be added to the term grazing permit regarding the season of use for the Summit Spring Allotment:

29. For the Summit Spring Allotment, the indicated season of use (11/1 – 2/28) will remain in effect until funding is available for a fence to be constructed which prevents livestock access into designated desert tortoise critical habitat within the allotment. Following fence construction, the season of use will be changed from 11/1 - 2/28 to 11/1 – 4/30.

The following Best Management Practices would be added to the term grazing permit for Authorization #2705036. Utilization objectives for the allotment are a quantification of the land use plan objectives and will be included as a BMP:

30. Under the discretion of the BLM, the permittee will use multiple watering locations within each allotment, during any given grazing season; watering locations will be used in a manner which will yield maximum livestock distribution within each allotment; and herding will be

used where and when deemed necessary. Watering locations will include wells, reservoirs, spring developments, and water hauls. All water use will be in accordance with Nevada State Law.

31. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Garden Spring, White Rock and Summit Spring Allotments - during the authorized grazing use period will not exceed 40%.

To address the Clover Mountain and Mormon Mountain Wilderness Areas, created through the Lincoln County Conservation Recreation and Development Act P.L. 108-424, the following term and condition will be added to comply with the Wilderness Act of 1964 (P.L. 88-577) (see Congressional Grazing Guidelines in Appendix V of this EA):

32. No motorized access is permitted within the designated Mormon Mountain or Clover Mountain Wilderness Areas without approval of the Field Manager. Motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such motorized use would not have an adverse impact on the natural environment.

The following terms and conditions, from the *Programmatic Biological Opinion for the Bureau of Land Management's Ely District Resource Management Plan* (File No. 84320-2008-F-0078) (RMP 2; pp. 132-133), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from the implementation of programs in general:

33. Prior to initiation of an activity within desert tortoise habitat, a desert tortoise awareness program shall be presented to all personnel who will be onsite, including but not limited to contractors, contractors' employees, supervisors, inspectors, and subcontractors. This program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; speed limits; the terms and conditions of this biological opinion including speed limits; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, etc.; and reporting procedures to be implemented in case of desert tortoise encounters or noncompliance with this biological opinion.
34. Tortoises discovered to be in imminent danger during projects or activities covered under this biological opinion, may be moved out of harm's way.
35. Desert tortoises shall be treated in a manner to ensure they do not overheat, exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises will be kept shaded at all times until it is safe to release them. No desert tortoise will be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95°F. Ambient air temperature will be measured in the shade, protected from wind, at a height of two inches above the ground surface. No desert tortoise will be captured if the ambient air temperature is

anticipated to exceed 95°F before handling and relocation can be completed. If the ambient air temperature exceeds 95°F during handling or processing, desert tortoises will be kept shaded in an environment that does not exceed 95°F and the animals will not be released until ambient air temperature declines to below 95°F.

36. Desert tortoises shall be handled by qualified individuals. For most projects, an authorized desert tortoise biologist will be onsite during project activities within desert tortoise habitat. Biologists, monitors, or anyone responsible for conducting monitoring or desert tortoise field activities associated with the project will complete the Qualifications Form (Appendix D) and submit it to the U.S. Fish and Wildlife Service (USFWS) for review and approval as appropriate. The USFWS should be allowed 30 days for review and response.
37. A litter-control program shall be implemented to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from project areas to the trash receptacles following the close of each work day, and the proper disposal of trash in a designated solid waste disposal facility. Appropriate precautions must be taken to prevent litter from blowing out along the road when trash is removed from the site. The litter-control program will apply to all actions. A litter-control program will be implemented by the responsible federal agency or their contractor, to minimize predation on tortoises by ravens and other predators drawn to the project site.

The following terms and conditions, also from the *Programmatic Biological Opinion* (RMP 7; pp. 138-140), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from permitting livestock grazing:

38. Livestock grazing may continue in desert tortoise habitat under the previous conditions established under the Caliente Management Framework Plan (MFP) Amendment until such time the term permit come up for renewal based on the existing permit expiration dates. Those allotments or portion of allotments in desert tortoise critical habitat will be a priority for review and issuance of term permit. During this interim period for grazing within desert tortoise habitat outside the Mormon Mesa, Kane Springs, and Beaver Dam Slope ACECs: Livestock use may occur from March 1 to October 31, as long as forage utilization management levels are monitored and do not exceed 40% on key perennial grasses, shrubs and perennial forbs; and between November 1 and February 28/29, provided forage utilization management levels are monitored and do not exceed 50% on key perennial grasses and 45% on key shrubs and perennial forbs. If the utilization management levels are reached, livestock will be moved to another location within the allotment or taken entirely off the allotment. No livestock grazing will occur in desert tortoise critical habitat March 1 through October 31.
39. Livestock grazing in desert tortoise habitat shall be managed in accordance with the most current version of the Desert Tortoise Recovery Plan, including allotments or portions of allotments that become vacant and occur within desert tortoise critical habitat outside of ACECs. Grazing may continue in currently active allotments until such time they become vacant. BLM will work with the permittees of active allotments to implement changes in

grazing management to improve desert tortoise habitat which may include use of water, salt and mineral licks, or herding to move livestock; changes in season of use and/or stocking rates; installation of exclusionary fences; reconfiguring pasture or allotment boundaries; and retiring pastures or allotments.

40. When BLM proposes to issue a term permit or other type of grazing authorization, BLM shall provide the following to the USFWS with their request to append the action to this biological opinion:
 - An allotment-level assessment of current conditions (relative to listed species habitat); if unknown, a description of, and timeframe for actions BLM will implement to collect such information;
 - a plan and schedule for monitoring listed species habitat on the allotment;
 - a description of the grazing system and how it will minimize conflicts with listed species habitat;
 - proposed actions or remedies (e.g., reduce utilization levels, reduce AUMs, limit season-of-use) if listed species habitat has not attained the goals for the allotment; and
 - other information requested by the USFWS that is necessary to conclude activity-level consultation.
41. BLM and USFWS will cooperatively develop livestock grazing utilization levels or other thresholds, as appropriate for each of the listed species. These levels or thresholds shall be incorporated into each of the allotment term permit for those allotments that overlap with habitat for the listed species.
42. The permittee shall be required to take immediate action to remove any livestock that move into areas unavailable for grazing. If straying of livestock becomes problematic, BLM, in consultation with the USFWS, will take measures to ensure straying is prevented.
43. All vehicle use in listed species habitat associated with livestock grazing, with the exception of range improvements, shall be restricted to existing roads and trails. Permittees and associated workers will comply with posted speed limits on access roads. No new access roads will be created.
44. Use of hay or grains as a feeding supplement shall be prohibited within grazing allotments. Where mineral and salt blocks are deemed necessary for livestock grazing management they will be placed in previously disturbed areas at least one half mile from riparian areas wherever possible to minimize impacts to flycatchers and listed fishes and their habitat. In some cases, blocks may be placed in areas that have a net benefit to tortoise by distributing livestock more evenly throughout the allotment, and minimizing concentrations of livestock that result in habitat damage. Water haul sites will also be placed at least one half mile from riparian areas.
45. Site visits shall be made to active allotments by BLM rangeland specialists and other qualified personnel, including USFWS biologists, to ensure compliance with the terms and conditions of the grazing permit. Any item in non-compliance will be rectified by BLM and permittee, and reported to the USFWS.

46. Livestock levels shall be adjusted to reflect significant, unusual conditions that result in a dramatic change in range conditions (e.g., drought and fire) and negatively impact the ability of the allotment to support both listed species and cattle.

In relation to grazing, there would be no additional terms and conditions needed for management practices to conform to guidelines to either make progress toward or to maintain achievement of the Standards for Rangeland Health.

2.1.3 Invasive, Non-Native Species and Noxious Weeds

A Weed Risk Assessment was completed for this project (Appendix IV). The measures listed in the Weed Risk Assessment will be implemented when grazing occurs on the allotment, to minimize the spread of weeds.

2.1.4 Monitoring

The Ely District Approved Resource Management Plan (August 2008) identifies monitoring to include (p. 88): “Monitoring to assess rangeland health standards will include records of actual livestock use, measurements of forage utilization, ecological site inventory data, cover data, soil mapping, and allotment evaluations or rangeland health assessments. Conditions and trends of resources affected by livestock grazing will be monitored to support periodic analysis/evaluation, site-specific adjustments of livestock management actions, and term permit renewals”.

Under guidance of the Endangered Species Act and through Section 7 consultation with the U.S. Fish and Wildlife Service, a species specific monitoring plan was developed to monitor desert tortoise habitat.

2.2 Description of Alternatives Analyzed in Detail

2.2.1 No Action Alternative

The No Action Alternative would reflect the status quo. The term permit would be issued without changes to grazing management or modifications to the terms and conditions of the permit. The season of use would not be changed and would remain as stated in table 2.1.1-1.

2.2.2 No Grazing Alternative

Under this alternative a new term grazing permit would not be issued, once the current term permit expired, resulting in no authorized livestock grazing on the allotment.

This alternative was also considered and analyzed in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) which is addressed below.

2.2.3 Alternatives Considered but Eliminated from Further Analysis

The Ely PRMP/FEIS (Volume II) analyzed the Environmental Impacts of livestock grazing under the Proposed RMP section, along with four alternatives (p.4.16-1 to 4.16-15.), which included a no-grazing alternative (Alternative D). It also analyzed Environmental impacts on vegetative resources from livestock grazing under the Proposed RMP section, and the four alternatives (4.5-1 to 4.5-28), which included the no-grazing alternative. No further analysis is necessary in this document for Alternatives A, B and C. However, the no-grazing alternative is additionally analyzed in this EA. The following is a list of the four Alternatives contained within the PRMP/FEIS (Volume II):

- Alternative A, The Continuation of Current Existing (No Action alternative)
- Alternative B, the maintenance and restoration of healthy ecological systems
- Alternative C, commodity production
- Alternative D, conservation alternative (no-grazing alternative)

3.0 Description of the Affected Environment and Associated Environmental Consequences

3.1 Allotment Information

The **Garden Spring** Allotment is 38,823 public land acres in Lincoln County, and is located 35 miles south of Caliente, Nevada (Appendix I, Map 1). In 2004, approximately 2% (924 acres) of the allotment was designated as part of the Clover Mountain Wilderness Area (Appendix I, Map 2). This occurs in a small portion of the northwest corner of the allotment.

The White Rock Allotment is 32,916 public land acres in Lincoln County, and is located 35 miles south of Caliente, NV. In 2004, the White Rock Allotment had approximately 25% (7,836 acres) of the allotment was designated as part of the Mormon Mountain Wilderness Area. This occurs in the southwest corner of the allotment.

The Summit Spring Allotment is 18,035 public land acres in Lincoln County and is located 35 miles south of Caliente, Nevada. No designated wilderness occurs within the Summit Spring Allotment.

Portions of the Garden Spring and White Rock Allotments contain desert tortoise habitat. The entire Summit Spring Allotment is located within desert tortoise habitat with 6% (2,799 acres) of its area, located in the southeast portion of the allotment, designated as desert tortoise critical habitat in 1994. None of the allotments contain desert tortoise Areas of Critical Environmental Concern (ACECs).

Fire History

In 2005, the Southern Nevada Complex wildfires burned much of the Tule Desert (Map 6 in Appendix B of SDD in Appendix II of EA). These fires were mapped by traditional means with

on the ground GPS measurements and using Landsat images. These two methods result in considerable differences, because Landsat images are able to differentiate unburned islands within the fire's perimeter; whereas, traditional on the ground GPS measurements typically include unburned islands.

The Garden Spring Allotment was partially burned by the Duzak Fire (part of the Southern Nevada Complex) with approximately 23,927 acres (15,738 Landsat) burned in 2005.

The White Rock Allotment was partially burned by the 2005 Duzak fire with approximately 9,841 acres (7,731 Landsat) burned; the 2005 Halfway fire, with approximately 434 acres (Landsat) burned; and the 2006 Sasquatch fire, with 131 acres (Landsat) burned.

The Summit Spring Allotment was partially burned by the Duzak fire with approximately 8,966 acres (Landsat) burned, and the Halfway fire with approximately 1,103 acres (Landsat) burned.

The aforementioned acreages represent approximately 40%, 25% and 51% of the total acreage of the Garden Spring, White Rock and Summit Spring Allotments, respectively (Appendix B of SDD in Appendix I of EA).

The burned areas were closed to grazing for two growing seasons. Temporary fencing was constructed and the areas seeded during rehabilitation. During February 2005, approximately 27,441 acres of the Duzak fire and 1,053 acres of the Halfway fire were aerially seeded. However, field observations have shown that the wild fires have resulted in a reduction in perennial forage availability and a flourishing of annual grasses within the allotments when precipitation is sufficient.

Vegetation Communities

The Garden Spring and White Rock Allotments are in a transition zone from Great Basin Desert to Mojave Desert vegetation. The northern reaches consist of Great Basin Pinyon-Juniper (*Pinus monophylla* - *Juniperus osteosperma*) Woodland, Intermountain Basin Big Sagebrush (*Artemisia tridentata*) Shrubland, Great Basin Xeric Mixed Sagebrush (*Artemisia spp.*) Shrubland, Mogollon Chaparral, and Intermountain Basins Semi-Desert Grassland. Typical vegetation consists of pinyon pine, juniper, several sagebrush species (*Artemisia spp.*), yerba santa (*Eriodictyon augustifolium*), desert bitterbrush (*Purshia glandulosa*), purple 3-awn (*Aristida purpurea*), galleta (*Hilaria spp.*), and several native forbs.

The central and southern portions of the Garden Spring and White Rock Allotments, as well as the Summit Spring Allotment transition to Mojave Desert vegetation. The majority of these allotments are Mojave Mid-Elevation Mixed Desert Scrub and Sonora-Mojave Creosotebush-White Bursage Desert Scrub. Small areas of Intermountain Basins Semi-Desert Shrub Steppe, North American Warm Desert Wash and North American Warm Desert Bedrock Cliff and Bedrock occur in these allotments. Typical vegetation includes blackbrush (*Coleogyne ramosissima*) desert bitterbrush, white bursage (*Ambrosia dumosa*), rabbitbrush (*Chrysothamnus spp.*), range ratany (*Krameria erecta*), desert almond (*Prunus fasciculata*), desert rue (*Thamnosma montana*), Nevada ephedra (*Ephedra nevadensis*), fourwing saltbush (*Atriplex*

Canescens). The extreme southern portions transition to Joshua tree (*Yucca brevifolia*), creosote (*Larrea tridentate*), big galleta (*Hilaria rigida*), and several species of succulents (yucca and cactus).

Important forage species are big galleta, globemallow (*Sphaeralcea spp.*), redstem filaree (*Erodium cicutarium*), cheatgrass (*Bromus tectorum*), red brome (*Bromus rubens*) and Nevada ephedra (*Nevada ephedra*). Purple threeawn (*Aristida purpurea*), sand dropseed (*Sporobolus cryptandrus*), bush muhly (*Muhlenbergia porteri*) and Indian ricegrass (*Achnatherum hymenoides*) are present in isolated areas and also provide forage and cover.

Biological crusts were observed to be present in 8 out of 25 of the study areas within these three allotments.

The burned areas in the central and northern portions of Garden Spring and White Rock Allotments are recovering and have exhibited healthy re-growth of Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), yerba santa, desert bitterbrush (*Purshia glandulosa*), Joshua tree and the perennial grasses purple threeawn and bottlebrush squirreltail. This portion of these allotments are higher elevation and more mesic than the southern portions, thus enabling higher rates of successful recovery following disturbance. The burned areas in the lower elevations (i.e., southern parts of Garden Spring and White Rock, and all of Summit Spring) have shown moderate to poor recovery. Annual grasses such as cheatgrass and red brome, and forbs like redstem filaree dominate the landscape post-fire in these low-elevation, low-rainfall regions.

Water Sources

The Tule desert has several year-round water sources of varying types that are fairly uniformly distributed throughout the grazing allotments. Natural springs, developed springs, water hauls, and extensive pipelines and associated tanks provide for the ability to evenly distribute grazing and create a rotation system based on watering locations (Map 3 in Appendix B of SDD in Appendix II of EA).

None of the allotments, and none of their portions, are associated with Wild Horse Herd Management Areas (HMA).

3.2 Resources/Concerns Considered for Analysis - Proposed Action

The following items have been evaluated for the potential for significant impacts to occur, either directly, indirectly, or cumulatively, due to implementation of the proposed action.

Consideration of some of these items is to ensure compliance with laws, statutes or executive orders that impose certain requirements upon all Federal actions. Other items are relevant to the management of public lands in general and to the Ely BLM in particular.

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Air Quality	No	The only effect to air quality from livestock grazing is a negligible quantity of

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
		fugitive dust and particulates from permittee vehicles.
Cultural Resources	No	<p>Impacts from livestock grazing on Cultural Resources are analyzed on page 4.9-5 of the Ely Proposed Resource Management Plan/Environmental Impact Statement (November 2007).</p> <p><i>A Findings for Cultural Resources Needs Assessment</i> was completed February 3, 2011. All range improvements, surface disturbing projects, and changes in grazing patterns that will concentrate grazing and may create impacts related to this permit will be subject to Section 106 review and, if needed, SHPO consultation as per the BLM Nevada's implementation of the Protocol for cultural resources.</p> <p>Findings indicate that there are no identified Traditional Cultural Properties within the area of potential effect of this project. Therefore, the proposed action will not cause the loss or destruction of significant scientific, cultural or historical resources. This project will have no effect on any Cultural ACECs. The proposed action is a "Section 106 No Effect" exclusion.</p>
Paleontological Resources	No	No currently identified paleontological resources are present in the project area.
Native American Religious Concerns and other concerns	No	<p>Tribal coordination letters were sent out on January 8, 2010 for the 2010 term permit renewals, which included the Newby Cattle Company allotments, notifying the tribes of a 30 day comment period. No concerns were identified.</p> <p>Direct impacts and cumulative impacts would not occur, because there were no identified concerns through coordination.</p>
Noxious and Invasive Weed Management	No	<p>Livestock grazing has the potential to spread noxious and invasive weeds.</p> <p>These allotments have some mapped weed infestations. The design features of the proposed action in addition to the vigilant practices described in the Noxious Weed Risk Assessment (Appendix IV) will help prevent livestock grazing from spreading noxious and non-native, invasive weeds.</p> <p>No additional analysis is needed.</p>
Vegetative Resources	Yes	<p>Impacts from livestock grazing on Vegetation Resources were analyzed on page 4.5-9 in the Ely Proposed Resource Management Plan/Environmental Impact Statement (November 2007). Beneficial impacts to vegetative resources are consistent with the need and objectives for the proposed action. No further analysis is needed.</p> <p>This resource has been further analyzed in the EA.</p>
Rangeland Standards and Health	Yes	<p>Impacts from livestock grazing on Rangeland Standards and Health are analyzed on pages 4.16-3 through 4.16-4 of the Ely Proposed Resource Management Plan/Environmental Impact Statement (November 2007). Beneficial impacts to rangeland standards and health are consistent with the need and objectives for the proposed action.</p> <p>Analysis of the proposed action and alternatives is provided in the affected environment and environmental impacts sections.</p>

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Forest Health ¹	No	There is a very small amount of pinyon-juniper woodlands on the north end of White Rock and Garden Spring Allotments which are inaccessible to grazing.
Wastes, Hazardous or Solid	No	No hazardous or solid wastes exist on the permit renewal area, nor would any be introduced by the proposed action or alternatives.
Wilderness	Yes	<p>The north end of Garden Spring has a small amount of the Clover Wilderness area; approximately 900 acres. This area is inaccessible and not likely to be impacted by grazing (Appendix I, Map 2).</p> <p>The south end of White Rock Allotment contains approximately 8000 acres of the Mormon wilderness area. There is a water haul site (existing before designation) that has an administrative right of way into the wilderness area.</p>
Special Designations other than Designated Wilderness	No	No Special Designations occur within the project area.
Wetlands/Riparian Zones	Yes	There are lentic and lotic riparian systems within the grazing allotments. PFC was completed on these riparian areas and was evaluated in the Standards Determination Document.
Water Quality, Drinking/Ground	No	<p>The Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) disclosed effects to Water Resources from livestock grazing on page 4.3-5.</p> <p>The proposed action would not affect water quality (surface or groundwater sources) or drinking water in the project area. No surface water in the project area is used as human drinking water sources and no impaired water bodies of the State on Nevada are present in the project area.</p>
Water Resources (Water Rights)	No	The Proposed Action would not affect existing or pending water rights in the project analysis area. All alternatives would not change or recommend changes to State of Nevada permitted uses of water in the project analysis area.
Floodplains	No	No floodplains have been identified by HUD or FEMA within any of the allotments. Floodplains, as defined in Executive Order 11988, may exist in the area, but would not be affected by the proposed action or alternatives.
Watershed Management	No	<p>The Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) disclosed effects to Watershed Management from livestock grazing activities on page 4.19-5. Further changes to livestock management may be recommended as a result of the watershed analysis process.</p> <p>The Proposed Action would not affect Watershed Management in the project analysis area. It would also not affect, or otherwise alter, the physical or biological processes which influence watershed health and function.</p>
Migratory Birds	No	<p>The migratory bird species that occur in or near the project area are listed in Appendix VI. This list includes BLM Sensitive species.</p> <p>It is anticipated that the establishment of Allowable Use Levels would aid in maintaining achievement of the Standards and Guidelines for rangeland health;</p>

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
		<p>thereby, maintaining or improving habitat conditions for all migratory birds of concern.</p> <p>There is always a possibility that the nests, and/or developing young, of ground nesting birds during the spring nesting period could be trampled by cattle. However, the potential for nest trampling is anticipated to be remote and upon occurrence, would be limited to an occasional individual or nest. If nests were lost due to trampling, birds would likely re-nest.</p> <p>Grazing would also reduce the height of existing vegetative structure and cover to some degree. However, with the establishment Allowable Use Levels it is anticipated that vegetative structure and cover would be negligibly affected.</p> <p>In view of the aforementioned, it is anticipated that negative impacts to migratory bird populations, as a whole, would be negligible.</p>
<p>U.S. Fish and Wildlife Service (USFWS) Listed or proposed for listing Threatened or Endangered Species or critical habitat.*</p>	<p>Yes</p>	<p>The federally threatened Agassiz's desert tortoise (<i>Gopherus agassizii</i>) exists within all three allotments .</p> <p>The entire Summit Spring Allotment is located within desert tortoise habitat with 6% (2,799 acres) of its area, located in the southeast portion of the allotment, designated as desert tortoise critical habitat (Map 4 in Appendix B of SDD in Appendix II of EA).</p> <p>The RMP (2008) states that livestock grazing is not permitted from 3/1 – 10/31 within designated desert tortoise critical habitat (PBO, Reasonable and Prudent Measure 7.a.). The proposed action changes the season of use for this allotment from 10/1 - 5/31 to 11/1 – 2/28 to comply with Reasonable and Prudent Measure 7.a. This has been analyzed in the EA and SDD.</p> <p>None of the allotments contain desert tortoise Areas of Critical Environmental Concern (ACECs).</p>
<p>Special Status Plant Species, other than those listed or proposed by the USFWS as Threatened or Endangered</p>	<p>No</p>	<p>No special status plant species are present within the Garden Spring, White Rock, and Summit Spring Allotments.</p>
<p>Special Status Animal Species, other than those listed or proposed by the USFWS as Threatened or Endangered</p>	<p>Yes</p>	<p>Special status animal species that occur in or near the project area are listed in Appendix VI.</p>
<p>Fish and Wildlife</p>	<p>No</p>	<p>Impacts from livestock grazing on Fish and Wildlife are analyzed on pages 4.6-10 through 4.6-11 in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007).</p> <p>Grazing would reduce the amount of available forage (grass and forbs); however, compliance with Ely Resource Management Plan standards for utilization percentages ensures that forage is present in the allotments after cattle are removed.</p>

Resource/Concern Considered	Issue(s) Analyzed	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Wild Horses	No	The project area was associated with two Horse Management Areas (HMA); Blue Nose Peak and Mormon Valley Mountains HMAs. The RMP (2008) changed the status of these two HMAs to Heard Areas (HA) with a target population of zero (0). A few horses still remain and will be gathered as resources allow.
Soil Resources	No	The Ely Proposed resource Management Plan/Final Environmental Impact Statement (November 2007) disclosed effects to Soil Resources resulting from livestock grazing actions on page 4.4-4. Soils Resources, regarding soil condition within the project area, were discussed in the Standard Determination Document. It is expected that the Proposed Action would not lead to measureable effects within the grazing allotments. Therefore, there are no anticipated impacts as a result of the Proposed Action.
Mineral Resources	No	There would be no modifications to mineral resources through the proposed action or alternatives; therefore, no direct or cumulative impacts would occur to minerals.
VRM	No	The proposed action is consistent with the VRM classifications 3 and 4 for the area; therefore no direct or cumulative impacts to visual resources would occur.
Recreation Uses	No	Design features identified in the proposed action would result in negligible impacts to recreational activities
Grazing Uses	Yes	Livestock grazing is analyzed in the EA.
Land Uses	No	There would be no modifications to land use authorizations through the proposed action, therefore no impacts would occur. No direct or cumulative impacts would occur to access and land use.
Environmental Justice	No	No environmental justice issues are present at or near the project area. No minority or low income populations would be unduly affected by the proposed action or alternatives.
Farmlands (Prime or Unique)	No	Designated Prime and Unique Farmlands is not found within any of the allotments.

¹Healthy Forests Restoration Act projects only

*Consultation required, unless a “not present” or “no effect” finding is made

An analysis of grazing impacts on the following resources – noted in the above table as being negligibly affected – may be found in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) on the noted pages: Cultural Resources (page 4.9-5); Water Quality, Drinking/Ground (page 4.3-5); Fish and Wildlife (pages 4.6-10 through 4.6-11); and Soil Resources (page 4.4-4). Consequently, these resources do not require a further detailed analysis.

3.3 Resources/Concerns Analyzed

The following resources were assigned a “Yes” under the “Issue(s) Analyzed” column in the above table and have been identified by the BLM interdisciplinary team as resources within the affected environment that merit a detailed analysis: Vegetative Resources; Rangeland Standards and Health; Wilderness; Wetlands/Riparian Zones; USFWS Listed or proposed for listing Threatened or Endangered Species or critical habitat; and Special Status Animal Species other than those listed or proposed by the USFWS as Threatened or Endangered; Grazing Uses; An analysis of grazing impacts on the former two resources may also be found in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) (Volume II), on the following noted pages: Vegetative Resources (page 4.5-9); Rangeland Standards and Health (pages 4.16-3 through 4.16-4).

3.3.1 Vegetative Resources, Rangeland Standards and Health and Grazing Uses

3.3.1.1 Affected Environment

Section 3.1 above describes some basic information about the Garden Spring, White Rock, and Summit Spring Allotments. The allotments are used mostly for winter and early to mid-spring grazing. Under the Proposed Action, a majority of spring grazing would be eliminated. Plant communities consist of various desert shrubs and grasses. A more detailed list of these species is displayed in the table under Standard 3 of the SDD.

3.3.1.2 Environmental Consequences

Proposed Action

An assessment and evaluation of livestock grazing management’s achievement of the standards and conformance to the guidelines (SDD) was completed in conjunction with this project (Appendix II). It showed that the applicable Standards (Standards I, II and III) were achieved on Garden Spring and White Rock Allotments. Standards I and III were not achieved, but making significant progress towards achievement, on the Summit Spring Allotment. The reason for non-achievement is due to wild land fire as analyzed in the SDD.

Part 1 of the Proposed Action

The first part of the proposed action would change the season of use on all three allotments.

The current season of use (10/1 – 5/31) doesn’t allow periodic spring rest during the entire critical growing period for cool season plants. Consequently, there is the potential that it would not allow for the type of root mass and subsequent above ground biomass development which lends itself to healthy, vigorous growing plants; especially grasses. It is believed that continuous annual spring grazing could potentially steadily diminish the root systems of the grasses, causing above ground biomass to correspondingly diminish over time².

² Dietz, Harland E. 1989. Grass: the Stockman’s Crop, How to Harvest More of It. Special Report. Sunshine Unlimited, Inc. 15 pp.

Therefore, shortening the season of use on all three allotments would reduce the potential for grazing to occur during the latter portion of the critical growing period for cool season plants, and during the early portion of the critical growing period for warm season plants. This would especially aid in favoring plant growth and seed set requirements in both, warm season and cool season grasses. It would allow the potential for grazed plants to continue their growth, without grazing influence, which would aid in allowing such plants: to develop above ground biomass and produce a viable seed crop; to protect soils and provide desirable perennial cover for wildlife; to contribute to litter cover; and to continue to develop root masses which would lend itself to improved carbohydrate storage for vigor and reproduction.

Consequently, the benefits to plant physiology, added soil protection and wildlife cover would be enhanced; the plant quality and volume of existing perennial forage species would be promoted; and the potential for loss of desired plant species, due to repeated spring grazing during the critical growing period, would decline. Summarily, this would impact the desired forage base in a positive manner and result in an improvement of overall range condition.

Introducing allowable use levels would further benefit plant physiology

Part 2 of the Proposed Action

In Part 2 of the Proposed Action it states that AUMs placed in voluntary non-use would be temporarily reinstated as Active AUMs whenever resource conditions result in a significant increase in annual forage production; thereby, dictating a need for fine fuels reduction (e.g., when precipitation events result in a flourishing of annual grasses).

Stocking rate calculations were not determined for any of the allotments because the primary forage, during the growing season, is composed of annual grass species which fluctuate greatly depending on annual weather patterns. Consequently, annual use on the allotments has frequently been significantly below the combined Total Active AUMs of the permit - with an average of 43% actual use of permitted AUMs over the past 10 years - due to voluntary non-use as a result of fluctuations in annual production.

However, utilization transects showed slight to moderate use levels on perennial key species, indicating that utilization objectives are being achieved. This also indicates that the 10-year average actual use levels are appropriate for the current conditions, and are supporting vegetation production at levels that are sustainable to grazing while maintaining or improving ecological function.

During an average precipitation year, grazing 100% of Total Active Use of the current term permit could have the potential to exceed the moderate use level (45%) on perennial forage. However, during years of high annual grass production where annual production can exceed 1000 pounds per acre – such as during 2005 when precipitation events caused a dramatic increase in fine fuels which subsequently resulted in catastrophic wildfires – the potential for this to occur is very low. This is because annual grasses typically germinate and produce substantial growth earlier in the growing season while perennial grasses may be beginning green-up at best.

Retaining the current total Active Use AUMs, and allowing for voluntary non-use of a portion those AUMs (temporary nonrenewable grazing under § 4110.3-1 (a)), would allow the ability to increase grazing use during years of high annual grass production while targeting weed species when they are most palatable and, consequently, vulnerable to grazing. This would also help reduce fuel loading, thereby lending itself to reduced fire frequency, intensity and severity while facilitating burn area recovery.

This allows for better management of rangeland resources, because grazing is tied to forage availability rather than a set AUM amount. It allows for flexibility to accommodate annual range conditions; deter overgrazing; and safeguard residual forage for wildlife habitat, plant recovery and productivity, and watershed function.

Existing permanent watering locations spread throughout each allotment provides a means to help control livestock. Under the discretion of the BLM the strategic use of multiple watering locations during the grazing season, within each allotment, should maintain livestock distribution to achieve a uniform utilization level. When coupled with the introduction of allowable use levels, it would aid in preventing overall negative impacts to the soil and plant resource accordingly.

As a result, it would promote the potential for plants: to develop above ground biomass to protect soils and provide desirable perennial cover for wildlife; to contribute to litter cover; and to continue to develop root masses which would lend itself to improved carbohydrate storage for vigor and reproduction.

Consequently, the following would be promoted: the potential benefits to plant physiology, added soil protection and wildlife cover; the plant quality and volume of existing forage species; and the reduction in the potential for loss of desired plant species. As a result, this would influence the desired forage base in a positive manner.

In summary, creating a more uniform utilization level within allotments should result in the promotion of overall forage production, ground cover, plant vigor and overall range condition. In addition, the potential for unacceptable utilization levels would be reduced while providing benefits to wildlife, regarding not only forage and cover, but additional water availability during the livestock grazing season.

A concentrated influence on vegetation, vicinal to water troughs, is expected due to typical ungulate behavior associated with point water sources. Typically, there is an area immediately surrounding the troughs where soil and vegetation is the most affected as a result of cattle trampling and grazing while drinking. Varying degrees of grazing use/trampling subsequently occurs, in a radial pattern, with such affects decreasing as distance from the watering source increases.

It is anticipated and reasonable to expect, then, that the Standards being met on the Garden Spring and White Rock Allotments would continue to be achieved, while significant progress towards the achievement of Standards 1 and 3 would continue on the Summit Spring Allotment.

The Proposed Action would add other terms and conditions to the permit that would minimize incidental take of desert tortoises; aid in reducing fuel loading, fire intensity and severity; satisfy the Wilderness Act of 1964; and aid in achieving/maintaining the Mojave-Southern Great Basin Standards.

No Action Alternative

All of the mandatory terms and conditions of the current permit, as displayed under section 2.1.1, would remain unchanged. Because the season of use would not change, it would annually allow grazing during most of the critical spring growing season for cool season plants; and during a portion of the critical growing season for warm season plants. Consequently, the benefits to plant physiology, as described under 2.1 of the Proposed Action, would be dramatically reduced; thereby, impacting desired forage in a highly negative manner.

Also under the no action alternative, the standard terms and conditions referenced under 2.1.2 in the Proposed Action and in Appendix III of this EA - which further assist in maintaining the Standards and Guidelines for Grazing Administration in addition to other pertinent land use objectives for livestock use - would not be included in the new permit.

In addition, all other terms and conditions referenced under 2.1.2, regarding BMPs (designed to maintain achievement of the standards), and the wilderness management term and condition (designed to maintain wilderness characteristics) would not be included in the new permit. This would have negative impacts on vegetative resources and the health of the land, and wilderness values.

No Grazing Alternative

Removal of grazing would allow annual grass to complete its life cycle in formally grazed areas and further dominate the area (Briske 2011). This would reduce native perennial plant growth through the ability of *Bromus spp.* to take advantage of late winter resources before native perennial growth can begin (DeFalco 2007). Late winter and early spring grazing in this region removes the reproductive parts of *Bromus spp.* and because these plants do not produce a seed bank, the population and competitive pressure is reduced (Schmelzer et al 2008). Removal of grazing pressure from *Bromus spp.* would facilitate increased fire severity, intensity, and frequency.

In addition to exacerbating the altered fire regime, removal of grazing would, for a short period of time following implementation, accomplish the same desired result as allowing periodic rest during the spring critical growing period. This would allow perennial forage plants rest during the vital phenological stages of their annual growing cycle. However, according to studies this benefit would be short-lived.

In fact it is realized in the scientific community that, over time, grasses may become woody from lack of grazing use. If this occurs, substantial forage can become wasted, because current year's growth is intermixed with older, cured materials that are nutritionally deficient and present a

physical barrier to cattle grazing. Such plants would also lose vigor and become less palatable, thereby contributing to less productive rangelands for either wildlife or domestic livestock that depend on such a forage base.

Anderson (1993) elaborated on the consequences of choosing a No Grazing option. He states: “After a period of time, ungrazed herbaceous fibrous-rooted plant species become decadent or stagnant. Annual above-ground growth is markedly reduced in volume and height. Root systems likely respond the same. The result is reduction in essential features of vegetational cover, including the replacement of soil organic matter and surface residues, and optimum capture of precipitation.” He also lists two other consequences: “(1) loss of quality herbaceous forage for wild herbivores, causing them to move to areas where regrowth following livestock grazing provides succulent forage (Anderson 1989), and (2) increased hazard from wildfires that can be devastating from a rangeland watershed standpoint.”

Courtois et. al. (2004), found that 65 years of protection from grazing on 16 exclosures, at different locations across Nevada, resulted in relatively few differences between vegetation inside the exclosures and that exposed to moderate grazing outside the exclosures. Where differences occurred, total vegetation cover was greater inside the exclosures while density was greater outside the exclosures. Protection from grazing failed to prevent expansion of cheatgrass into the exclosures (Ely PRMP/FEIS pg. 4.5–27).

3.3.2 Wilderness

3.3.2.1 Affected Environment

Portions of the White Rock and Garden Spring Allotments were designated as Wilderness in 2004 (Appendix I, Map 2). In 1980, the remaining portions of the White Rock and Garden Spring Allotments and the Summit Spring Allotment were determined to not possess Lands of Wilderness Characteristics (LWC). According to an inventory completed in spring 2011, LWC was found within the Summit Spring Allotment; the remaining did not possess LWC.

3.3.3.2 Environmental Consequences

Proposed Action

The Proposed Action and the No Action Alternative would not preclude preservation of Lands with Wilderness Characteristics in the LWC unit, nor elsewhere should LWC be identified in the future. By reducing the season of use, it is expected that naturalness would be slightly improved under the Proposed Action. There are no anticipated impacts to size, solitude or primitive forms of recreation from the proposed action or other grazing alternatives.

No Action Alternative

See above

No Grazing Alternative

The no grazing alternative could lead to a decline of naturalness if invasive annuals are left unchecked on adjacent lands. Fuel loading would increase down slope from the wilderness areas, which would lead to increased fire frequency, intensity, and severity.

3.3.3 Threatened and Endangered Species and Critical Habitat

3.3.3.1 Affected Environment

The White Rock, Garden Spring, and Summit Spring Allotments contain habitat for the federally threatened desert tortoise (*Gopherus agassizii*) (Map 4 in Appendix B of SDD in Appendix II of EA). A portion of the Summit Spring Allotment contains designated critical habitat for desert tortoise. Many acres of the Summit Spring Allotment burned in the 2005 Southern Nevada Complex Fire.

3.3.3.2 Environmental Consequences

Proposed Action

The current version of the Revised Desert Tortoise Recovery Plan (Draft Document dated October 2007), states under Recovery Action 2.16, Manage Livestock Grazing: "Grazing by livestock (cattle and sheep) affects desert tortoises through crushing animals or their burrows, destroying or altering vegetation (which may introduce weeds and change the fire regime), altering soil, and competition for food (Boarman 2002). More flexible grazing practices, such as allowing or reducing grazing during specific times of the year (*e.g.*, after ephemeral forage is gone or winter only) or under certain environmental conditions (*e.g.*, following a specified minimum amount of winter rain) would be most appropriate outside conservation areas, but should be used experimentally to investigate the compatibility of grazing with desert tortoise populations."

A change to the Season of Use for the Summit Spring Allotment has been proposed until funding is available to construct a fence which would prevent livestock from accessing desert tortoise critical habitat. Changing the Season of Use from 10/1 – 5/31 to 11/1 - 2/28 would ensure that livestock grazing only occurs during the period of the year allowed by the RMP (2008) within designated critical habitat for desert tortoise. Moreover, changing Season of Use from 10/1 - 5/31 to 11/1 - 4/30 for Garden Spring and White Rock Allotments would also reduce the temporal overlap of desert tortoises and livestock in these two allotments by two months.

In Boarman's *Threats to Desert Tortoise Populations: A Critical Review of the Literature* (2002), he summarizes livestock grazing as a threat to desert tortoise in the following way: "Surprisingly little information is available on the effects of grazing on the Mojave Desert ecosystem (Oldemeyer 1994, Rundel and Gibson 1996, Lovich and Bainbridge 1999). Differences in rainfall patterns, nutrient cycling, and foraging behavior of herbivores and how these three factors interact make applications of research from other areas of limited value in understanding the range ecology of the Mojave Desert. The paucity of information is surprising

given the controversy surrounding grazing in the Mojave and the importance of scientific information for making resource management decisions affecting grazing. Studies, mostly from other arid and semi-arid regions tells us that grazing can alter community structure, compact soil, disturb cryptogamic soils, and increase fugitive dust and erosion. Some impacts to tortoises or their habitat have been demonstrated, but the evidence is not overwhelming.”

No Action Alternative

Because the Season of Use would not change, it would annually allow grazing during most of the critical spring growing season for cool season plants; and during a portion of the critical growing season for warm season plants. This could have a negative impact on plants that could otherwise serve as thermal cover or forage species for the desert tortoise. Not changing the Season of Use on the Summit Spring Allotment would be contrary to the Programmatic Biological Opinion and could have negative impacts on desert tortoise.

Also under the no action alternative, the standard terms and conditions referenced under 2.1.2 in the Proposed Action and in Appendix III of this EA - which further assist in maintaining the Standards and Guidelines for Grazing Administration in addition to other pertinent land use objectives for livestock use - would not be included in the new permit.

In addition, the terms and conditions referenced under 2.1.2, regarding BMPs (designed to maintain achievement of the standards); and the terms and conditions from the *Biological Opinion*, regarding desert tortoise management, would not be included in the new permit. This would have negative impacts on vegetative resources, the health of the land, desert tortoise habitat and, potentially, desert tortoise populations.

No Grazing Alternative

The no grazing alternative, as discussed in 3.3.1.2, would remove any pressure from invasive annual grasses and allow fuel loading to increase. Increased fire frequency and severity is the primary threat to desert tortoise habitat in this area. Recovery of thermal cover in tortoise habitat in burn areas is dependent on maintaining historic fire intervals. Frequent fire intervals of 2-5 years will prevent the recovery of perennial species used as forage and thermal cover by tortoise.

3.3.4 Special Status Animal Species

3.3.4.1 Affected Environment

Special status animal species that occur in or near the project area are listed in Appendix VI.

The following BLM Sensitive Species may occur within the White Rock, Garden Spring, and Summit Spring Allotments: desert bighorn sheep (*Ovis canadensis nelsoni*), golden eagle (*Aquila chrysaetos*), prairie falcon (*Falco mexicanus*), loggerhead shrike (*Lanius ludovicianus*), and phainopepla (*Phainopepla planitens*). Loggerhead shrikes typically nest from 3' to 30' from the ground in trees. *Phainopepla*'s typically nest from 4 feet to 50 feet from the ground in parasitic

mistletoe found in trees. Prairie falcons typically nest in cliffs from 30 feet to 40 feet from the ground. Golden eagles typically nest in cliffs from 10 feet to 100 feet from the ground.

3.3.4.2 Environmental Consequences

Proposed Action

The proposed changes to the Season of Use would benefit the BLM sensitive species found in the allotments because it would reduce the temporal overlap of livestock grazing with the sensitive species. The bird species would benefit from a reduced overlap with breeding and nesting activities. Because the sensitive bird species found in these allotments typically nest at a height greater than what livestock can reach (3 feet and above), no impacts to birds are anticipated. According to Nevada Department of Wildlife's (NDOW) Bighorn Sheep Management Plan (2001), it is important that bighorn sheep habitats are maintained in good to excellent ecological condition because livestock directly compete with bighorns for forage, water, and space. The current condition of this habitat is unknown. The proposed action is designed to maintain or move toward good to excellent ecological condition therefore minimizing effects to desert bighorn sheep.

No Action Alternative

According to the *Nevada Comprehensive Bird Conservation Plan* (2010), "Domestic livestock (cattle and sheep) are a long-established component of most publicly managed lands in Nevada.... Livestock grazing, however, is not invariably harmful to birds, and it may sometimes be beneficial for achieving particular management objectives." The Plan concludes that "overgrazing" may be a conservation concern when it involves the removal of understory vegetation at sensitive times or leads to permanent changes in vegetation composition and structure.

Because the Season of Use would not change, it would annually allow grazing during most of the critical spring growing season for cool season plants; and during a portion of the critical growing season for warm season plants. This could lead to increased competition for forage between desert bighorn sheep and livestock in areas where habitat overlaps grazing areas.

Also under the no action alternative, the standard terms and conditions referenced under 2.1.2 in the Proposed Action and in Appendix III of this EA - which further assist in maintaining the Standards and Guidelines for Grazing Administration in addition to other pertinent land use objectives for livestock use - would not be included in the new permit.

In addition, the terms and conditions referenced under 2.1.2, regarding BMPs (designed to maintain achievement of the standards) would not be included in the new permit. This would have negative impacts on vegetative resources, the health of the land and, potentially, special status animal populations.

No Grazing Alternative

The no grazing alternative, as discussed in 3.3.1.2 and 3.3.1.4, would remove any pressure from invasive annual grasses and allow fuel loading to increase. Increased fire frequency and severity removes and prevents the re-establishment of native perennial species. Recovery and survival of perennial habitat components is dependent on maintaining historic disturbance regimes. If invasive annual grasses are allowed to flourish without any competitive pressure, fuel loading will eventually lead to more frequent and more intense fires.

4.0 Cumulative Impacts

According to page 36 of the 1994 BLM publication *Guidelines for Assessing and Documenting Cumulative Impacts*, the cumulative analysis should be focused on those issues and resource values where the incremental impact of the Proposed Action results in a meaningful change in the cumulative effect from other past, present and reasonably foreseeable future actions within the Cumulative Effects Study Area (CESA). The CESA for this project is defined as the Tule Desert and Toquop Wash Watersheds. This area was chosen based on natural boundaries, the special scale of activities, and relevant concerns.

Additionally, the guidance provided in The National BLM NEPA Handbook H-1790-1 (USDOI 2008), for analyzing cumulative effects issues states, “determine which of the issues identified for analysis may involve a cumulative effect with other past, present, or reasonably foreseeable future actions. If the proposed action and alternatives would have no direct or indirect effects on a resource, you do not need a cumulative effects analysis on that resource” (p.57).

A comprehensive cumulative impacts analysis can be found on pages 4.28-1 through 4.36-1 of the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007). Also, a more detailed analysis of cumulative impacts in the CESA is located on pages 77-84 of the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008.

4.1 Past Actions

Livestock grazing operations in the planning area developed during the mid- to late-1800s. The Ely PRMP/FEIS summarizes livestock grazing history in the region on pages 3.16–1 to 3.16–3. Range improvements have occurred on all allotments to improve grazing management and include fencing, stock water developments, and vegetation treatments (Refer to Map 3, Appendix I).

The Ely PRMP/FEIS summarizes wild horse history in the west, specifically on the Ely District on pages 3.8–1 to 3.8–7. Wild horse use has occurred throughout the project area since the 1800s.

- Historic mining activities associated with the Viola Mining District.

- Invasive species introduction, including tamarisk and annual grasses, have occurred since European settlement.
- Multiple utility corridor rights-of-way have been granted within the CESA (pages 77-84 of the Ely RMP 2008).
- Historic fire return interval has been shortened while fire severity has increased due to invasive species.
- Catastrophic fires during 2005 burned an unprecedented approximate total of 33,962 acres – within the Garden Spring, White Rock and Summit Spring Allotments - according to Landsat measurements.
- Records indicate off-road races have occurred in the area since the 1980s and ended in 2009. Races are no longer permitted in the area.
- Recreational OHV use occurred in the areas near Mesquite, Nevada.
- Well drilling has occurred as part of the Lincoln County Lands Act (LCLA) Groundwater Project. The wells are currently capped and unused.
- Kern River natural gas pipeline was put in to service in February of 1992.

4.3 Current Actions

(Refer to Map 4, Appendix I)

- UNEV petroleum pipeline is being constructed and near completion within the utility corridor specified in the Ely RMP (2008), which is also used by the Kern River Pipeline.
- Recreational OHV use in the CESA including un-permitted OHV events, are on the increase in the area surrounding Mesquite, Nevada.
- Blue Nose mining exploration is currently being pursued in the northern area in relation to the allotments analyzed. This action has increased traffic in the area as they access the site from the south through White Rock and Garden Spring Allotments.
- Lincoln County Telephone Company is installing a fiber optic line to service the LCLA Groundwater Project.

4.4 Future Actions

(Refer to Map 4, Appendix I)

- Transwest Express transmission line construction is expected to proceed within the next 6 years.

- Installation of water pipeline for LCLA Groundwater Project is expected to occur within the next 10 years.
- LCLA Groundwater Pumping begins for municipal and/or industrial use after completion of related pipeline and infrastructure.
- If funding becomes available, a fence would be constructed within the Summit Spring Allotment that would prevent livestock access into designated desert tortoise critical habitat.
- The disposal of 0-300 acres of land located approximately three miles south of the Summit Spring Allotment as described in the Ely RMP (2008) and related to the Toquop power project.
- Toquop power generation project may still proceed as a natural gas fired plant.

4.6 Cumulative Effects Summary

4.6.1 Rangeland Health

Proposed Action

The proposed action in conjunction with the past, present and reasonable foreseeable future actions would result in no noticeable overall changes to the affected environment. Grazing under the proposed permit renewal would aid in maintaining achievement of the Standards for Rangeland Health, with the understanding that adjustments to grazing management would occur when any of the Standards are not being achieved. Appropriate action would be taken as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines (43 CFR §4180.2 (c)).

No cumulative impacts of concern are anticipated as a result of the proposed action in combination with any other existing or planned activity.

Other livestock grazing permits in the CESA also affect the overall rangeland health of the area. All grazing permits are designed to allow for progress towards or achievement of land health standards. If existing livestock grazing management practices are found to be significant factors in failing to achieve the standards for rangeland health, appropriate action is taken as soon as practicable or no later than start of the next grazing season (43 CFR 4180.2(c)). Where the SDDs for the allotments within the CESA found that rangeland health standards were not being met due to cattle grazing, changes have been made to the related grazing permit.

No Grazing Alternative

The no grazing alternative, in combination with interrelated projects, would not have a cumulative effect on rangeland health outside of what was analyzed under the no grazing alternative in section 3.3.1.2.

No Action Alternative

This resource would have the same cumulative effect as the proposed action with respect to cumulative impacts.

4.6.2 Special Status Animal Species Habitats

Proposed Action

The proposed action, in combination with interrelated projects, will have the same effect as discussed in Environmental Consequences section 3.3.1.2.

No Grazing Alternative

The no grazing alternative, in combination with interrelated projects, will have the same effect as discussed in Environmental Consequences section 3.3.1.2.

No Action Alternative

The no action alternative, in combination with interrelated projects, will have the same effect as discussed in Environmental Consequences section 3.3.1.2.

4.6.3 Noxious and Invasive Weed Spread

Transportation activities, including existing road maintenance, grazing, recreation, energy and water development, and wildland fire operations within the CESA can contribute to the chance of spreading noxious and non-native, invasive weeds. Past activities have facilitated the spread of non-native, invasive species, especially along transportation routes and drainages.

Establishment of non-native, invasive species has occurred and would likely continue under the proposed action and other interrelated projects. The spread of non-native invasive species would be minimized through the measures listed in the Risk Assessment for Noxious and Invasive Weeds for this project and for other interrelated projects. In addition, the active BLM Ely District Weed Management Program would minimize the spread of weeds throughout the CESA.

5.0 Proposed Mitigation and Monitoring

5.1 Proposed Mitigation

Outlined design features incorporated into the proposed action are sufficient. No additional mitigation is proposed based on the analysis of environmental consequences.

5.2 Proposed Monitoring

Appropriate monitoring has been identified during consultation with the U.S. Fish and Wildlife Service and is included as part of the Proposed Action. No additional monitoring is proposed as a result of the impact analysis.

6.0 Consultation and Coordination

6.1 List of Preparers - BLM Resource Specialists

Cameron Boyce	Rangeland Management Specialist/Project Lead
Chris Mayer	Supervisory Rangeland Management Specialist
Alicia Styles	Wildlife, Special Status Species, Migratory Birds
Clint Wertz	Soil, Water, Wetlands and Riparian, Floodplains
Cameron Boyce	Noxious and Invasive, Non-native Species
Travis Young	Planning and Environmental Coordinator
Nicholas Pay	Cultural Resources
Elvis Wall	Native American Cultural Concerns
Melanie Peterson	Hazardous and Solid Waste/Safety
Lisa Domina	Recreation, Visual Resources

6.2 Persons, Groups or Agencies Consulted

On September 28, 2011, the U.S. Fish and Wildlife Service received BLM's request for Section 7 consultation (a request to append the Programmatic Biological Opinion (PBO) as contained in the Ely RMP - 2008) for the federally threatened Agassiz's desert tortoise (*Gopherus agassizii*) through a BLM memorandum dated September 27, 2011.

On October 19, 2011, the USFWS requested further information from the Caliente Field Office regarding the matter. On November 2, 2011, the USFWS received this information from the BLM. On November 21, 2011, a conference call was held between the USFWS and the BLM to discuss additional details outlined in the October 19, 2012 request for information. Through this conference, sufficient information was provided to address the USFWS's remaining questions.

Subsequently, the FWS provided a completed response to the request to append the PBO, dated January 9, 2012, which was received by the BLM on January 11, 2012.

6.2.1 Public Notice of Availability

The Ely District Office mails an annual Consultation, Cooperation and Coordination (CCC) letter, for various program areas, to individuals and organizations who have previously expressed an interest in federal actions on the Ely District. Through the CCC letter, the public has the opportunity to submit a request to be a 2012 interested public for grazing management actions on the Ely BLM District; and to specify the specific grazing management actions and grazing allotments in which they are interested. Affected grazing permittees are automatically included on the Grazing Interested Public Mailing List for any allotment on which they have a grazing permit.

On December 22, 2009, the aforementioned Ely BLM annual CCC letter was mailed.

On February 3, 2010, the Nevada Department of Wildlife was sent a copy of the proposed action via ftp. No comments were received.

On February 16, 2010 Newby Cattle Company (Authorization #2705036) was sent a letter informing them of the proposed term permit renewal process scheduled for their allotment during 2010 and arranged a meeting to discuss the proposed action.

On April 14, 2010, the proposal to fully process the term permit, for Authorization 2705036, was posted on the Ely BLM internet site (http://www.blm.gov/nv/st/en/fo/ely_field_office.html).

This Final EA will be sent to the Interested Publics included on the annual Range Actions Interested Public Mailing List for 2012.

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United States Department of the Interior



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APPENDIX I **(EA)**

MAP(S)



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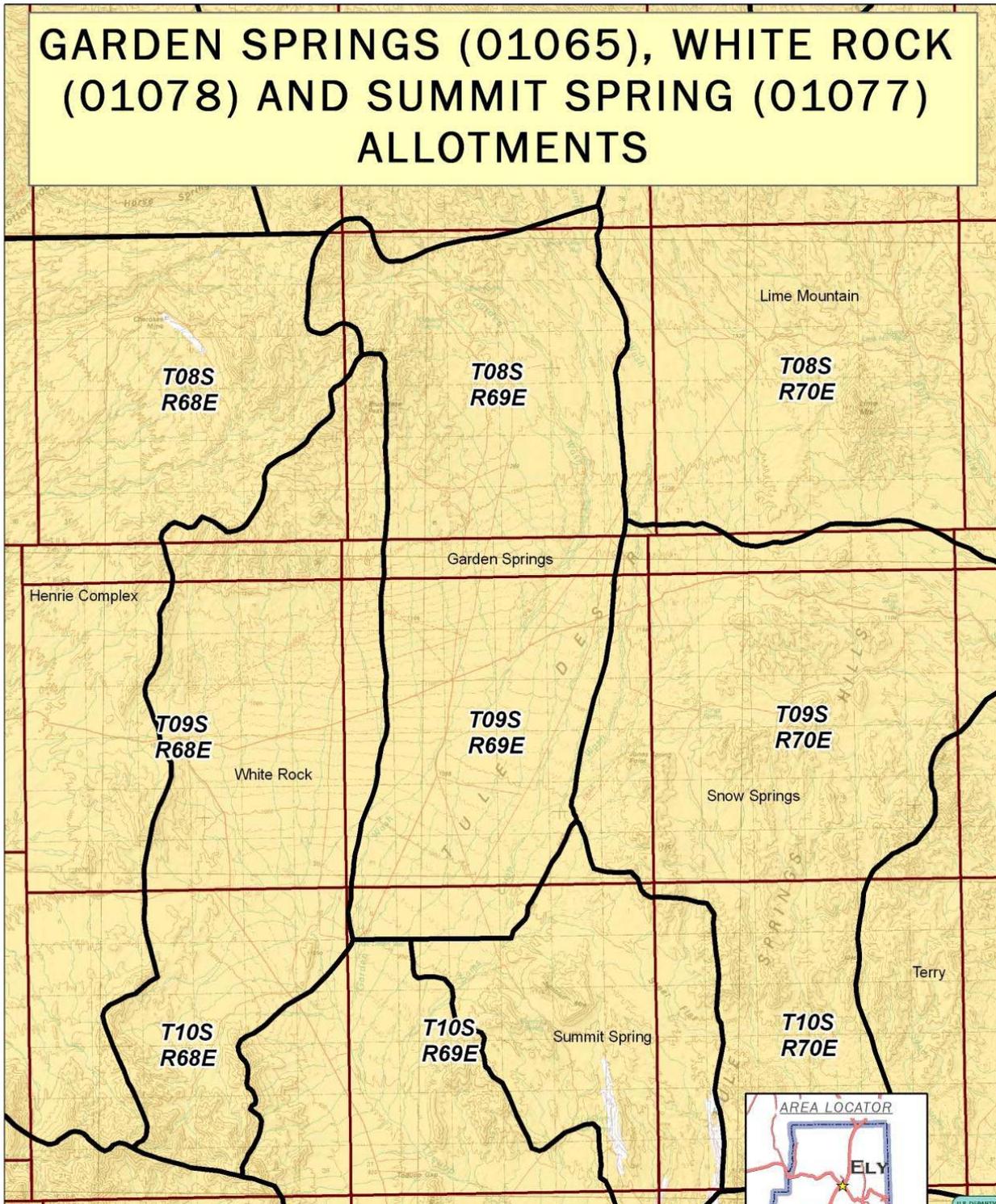
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In Reply Refer to:

GARDEN SPRINGS (01065), WHITE ROCK (01078) AND SUMMIT SPRING (01077) ALLOTMENTS



BLM

Ely District Office



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Map 1



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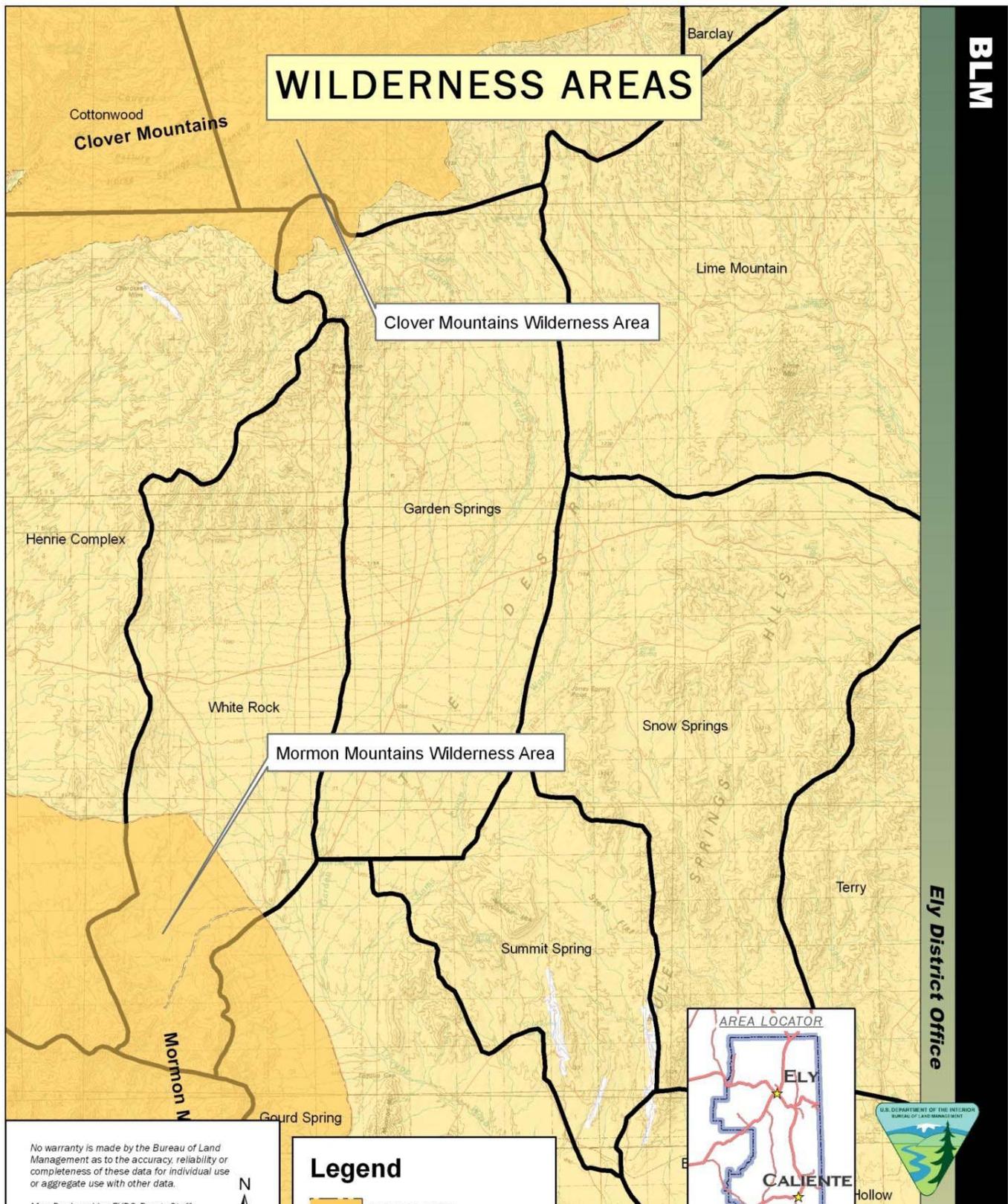
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Map 2



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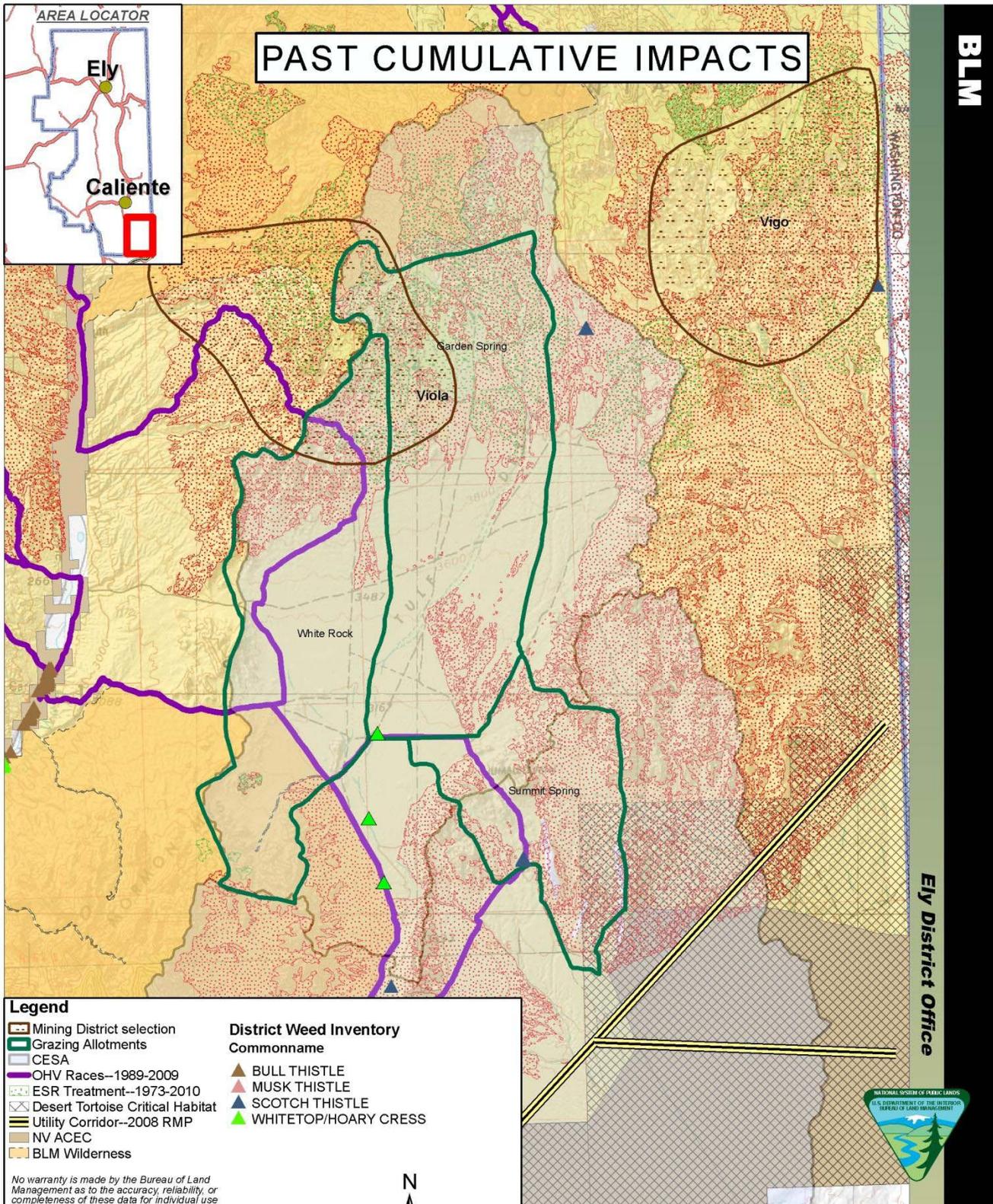
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Map 3



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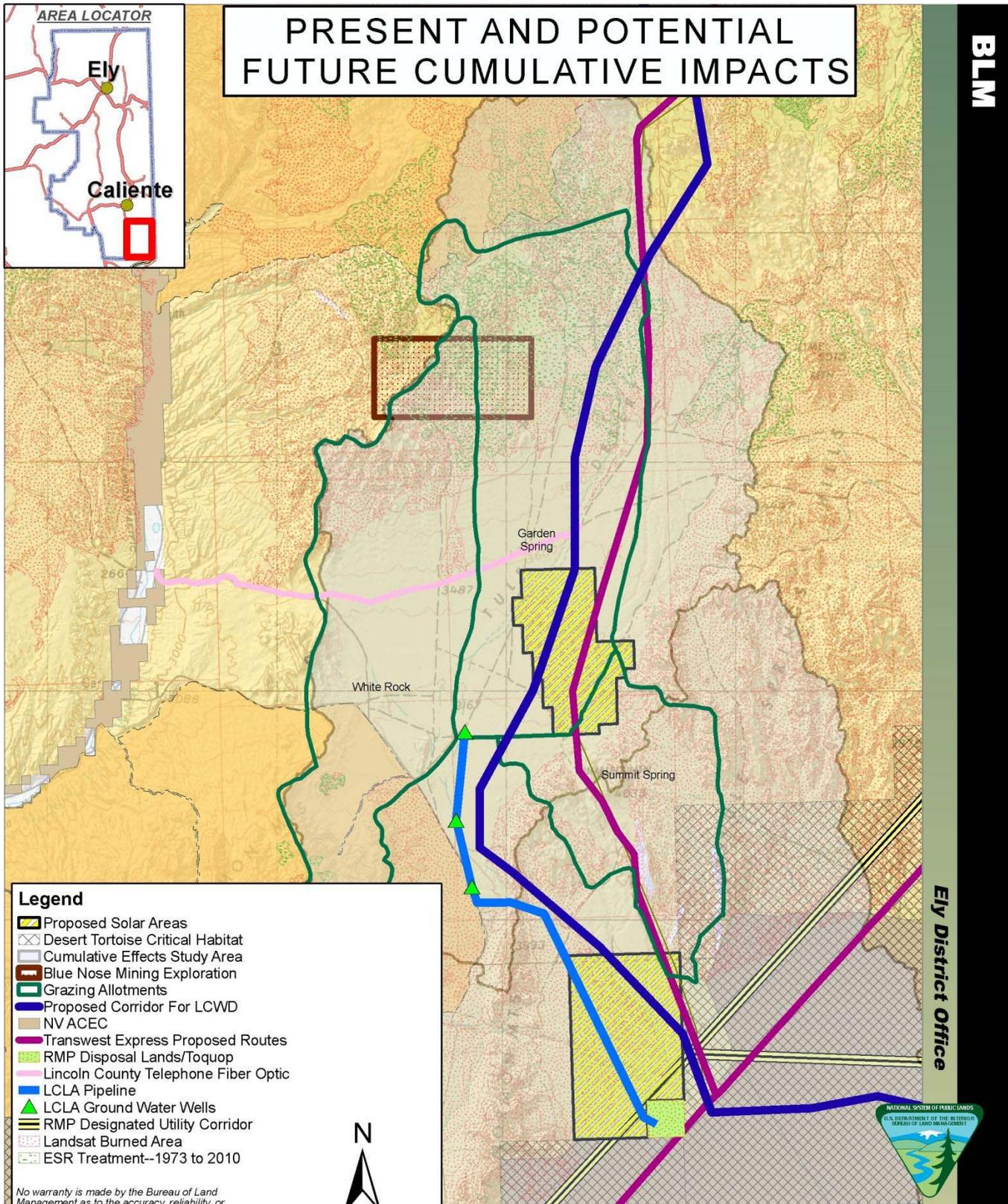
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Map 4

APPENDIX II

(EA)

STANDARDS DETERMINATION DOCUMENT

Garden Spring (#01065), White Rock (#01078) and Summit Spring (#01077) Allotments

Standards and Guidelines Assessment

The Standards and Guidelines for Nevada's Mojave-Southern Great Basin Area were developed by the Mojave-Southern Great Basin Area Resource Advisory Council (RAC) and approved in 2006. Standards and guidelines are likened to objectives for healthy watersheds, healthy native plant communities, and healthy rangelands. Standards are expressions of physical and biological conditions required for sustaining rangelands for multiple uses. Guidelines point to management actions related to livestock grazing for achieving the standards.

This Standards Determination Document evaluates and assesses livestock grazing management achievement of the Standards and conformance with the Guidelines for the Garden Spring, Summit Spring and White Rock Allotments in the Ely BLM District. This document does not evaluate or assess achievement of the Wild Horse and Burro or the Off Highway Vehicle Standards or conformance to their respective Guidelines.

The standards were assessed for the allotment by a BLM interdisciplinary team. Documents and publications used in the assessment process include the Soil Survey of Lincoln County Nevada - South Part, Ecological Site Descriptions for Major Land Resource Area 29, Interpreting Indicators of Rangeland Health (USDI-BLM et al. 2000), Sampling Vegetation Attributes (USDI-BLM et al. 1996) and the National Range and Pasture Handbook (USDA-NRCS 1997) and Monitoring Manual for Grassland, Shrubland and Savannah Ecosystems (BLM et al. 2009). A complete list of references is included at the end of this document. The interdisciplinary team used rangeland monitoring data, professional observations, and photographs to assess achievement of the Standards and conformance with the Guidelines.

Allotment Background Information

The Garden Spring Allotment is approximately 38,823 public land acres in Lincoln County, and is approximately 35 miles south of Caliente, Nevada ([Appendix B, Map 1](#)). This allotment is located within Desert Tortoise habitat ([Appendix B, Map 4](#)) and the Clover Mountain Wilderness Area occurs in a small portion (924 acres) of the northwest corner of the allotment ([Appendix B, Map 5](#)).

The White Rock Allotment is approximately 32,916 public land acres in Lincoln County, and is approximately 35 miles south of Caliente, Nevada. This allotment is located within Desert Tortoise habitat. The southwestern corner of the allotment has 7,836 acres within the Mormon Peak Wilderness Area.

The Summit Spring Allotment is approximately 18,035 public land acres in Lincoln County, and is approximately 35 miles south of Caliente, Nevada. This allotment is located within Desert Tortoise habitat, with the southeastern portion of the allotment occurring in designated Desert Tortoise Critical Habitat. No wilderness occurs within the Summit Spring Allotment.

Permit #2705036 was previously issued under the authority of Section 416, Public Law 111-88 for the period 1/21/2010 – 2/28/2012. The new grazing permit will reflect terms and conditions in accordance with the Final EA.

Table 1. Permitted Grazing Use, Newby Cattle Company (#2705036)							
Allotment	Acres	Livestock	# of Head*	Turn-Out	Removal	% PL**	AUMs
Garden Spring	39,225	Cattle	348	1-Oct	31-May	100	2792
Garden Spring	39,225	Horse	4	1-Oct	31-May	100	32
White Rock	32,984	Cattle	361	1-Oct	31-May	100	2896
Summit Spring	17,603	Cattle	90	1-Oct	31-May	100	722
* these numbers are approximate							
** % public land, for billing purposes only							

Actual grazing use has been well below permitted use in recent years. An overview of the last ten years of actual use is shown below in Table 2.

Table 2. Ten-Year Actual Grazing Use Summary (Animal Unit Months), Newby Cattle Company (#2705036)						
Grazing Year	Garden Spring		White Rock		Summit Spring	
	Billed AUMs	% Use	Billed AUMs	% Use	Billed AUMs	% Use
2009-10						
2008-09	1121	40%	1340	46%	0	0%
2007-08	1617	57%	0	0%	656	91%
2006-07	0	0%	1229	42%	0	0%
2005-06	205	7%	798	28%	0	0%
2004-05	2076	74%	0	0%	556	77%
2003-04	723	26%	938	32%	330	46%
2002-03	1048	37%	0	0%	0	0%
2001-02	1326	47%	876	30%	557	77%
2000-01	2778	98%	508	18%	568	79%
Authorized AUMs	2824		2896		722	
10-Year Average % Use	43%		22%		41%	
10-Year Average % Non-Use	57%		78%		59%	

Fire History

In 2005, the Southern Nevada Complex wildfires burned much of the Tule Desert (Map 6, Appendix B). These fires were mapped by traditional means with on the ground GPS measurements and using Landsat images. These two methods result in considerable differences, because Landsat images are able to differentiate unburned islands within the fire's perimeter; whereas, traditional on the ground GPS measurements typically include unburned islands.

The Garden Spring Allotment was partially burned by the Duzak Fire (part of the Southern Nevada Complex) with approximately 23,927 acres (15,738 Landsat) burned in 2005.

The White Rock Allotment was partially burned by the 2005 Duzak fire with approximately 9,841 acres (7,731 Landsat) burned; the 2005 Halfway fire, with approximately 434 acres (Landsat) burned; and the 2006 Sasquatch fire, with 131 acres (Landsat) burned.

The Summit Spring Allotment was partially burned by the Duzak fire with approximately 8,966 acres (Landsat) burned, and the Halfway fire with approximately 1,103 acres (Landsat) burned.

The aforementioned acreages represent approximately 40%, 25% and 51% of the total acreage of the Garden Spring, White Rock and Summit Spring Allotments, respectively.

The burned areas were closed to grazing for two years and temporary fencing and seeding was used for rehabilitation. During February 2005, 27,441 acres of the Duzak fire and 1,053 acres of the Halfway fire were aerielly seeded. The remaining acreage was left to natural re-vegetation. Species seeded were:

<i>Achnatherum hymenoides</i>	Indian ricegrass
<i>Linum spp.</i>	flax
<i>Sanguisorba minor</i>	small burnet
<i>Kochia Prostrata</i>	forage kochia
<i>Elymus elymoides</i>	bottlebrush squirreltail
<i>Grayia spinosa</i>	spiny hopsage
<i>Hilaria jamesii</i>	galleta
<i>Poa secunda</i>	Sandberg's bluegrass
<i>Sporobolus cryptandrus</i>	sand dropseed
<i>Atriplex canescens</i>	fourwing saltbush
<i>Penstemon palmeri</i>	Palmer's penstemon
<i>Agropyron cristatum</i>	crested wheatgrass
<i>Agropyron fragile</i>	Siberian wheatgrass
<i>Elymus wawawaiensis</i>	Snake river wheatgrass
<i>Hesperostipa comata</i>	needleandthread

Vegetation Communities

The **Garden Spring and White Rock** Allotments are in a transition zone from Great Basin Desert to Mojave Desert vegetation. The **northern reaches** consist of Great Basin Pinyon-Juniper (*Pinus monophylla* - *Juniperus osteosperma*) Woodland, Intermountain Basin Big Sagebrush (*Artemisia tridentata*) Shrubland, Great Basin Xeric Mixed Sagebrush (*Artemisia* spp.) Shrubland, Mogollon Chaparral, and Intermountain Basins Semi-Desert Grassland. Typical vegetation consists of pinyon pine, juniper, several sagebrush species (*Artemisia* spp.), yerba santa (*Eriodictyon augustifolium*), desert bitterbrush (*Purshia glandulosa*), purple 3-awn (*Aristida purpurea*), galleta (*Hilaria* spp.), and several native forbs.

The central and southern portions of the Garden Spring and White Rock Allotments, as well as the Summit Spring Allotment transition to Mojave Desert vegetation. The majority of these allotments are Mojave Mid-Elevation Mixed Desert Scrub and Sonora-Mojave Creosotebush-White Bursage Desert Scrub. Small areas of Intermountain Basins Semi-Desert Shrub Steppe, North American Warm Desert Wash and North American Warm Desert Bedrock Cliff and Bedrock occur in these allotments. Typical vegetation includes blackbrush (*Coleogyne ramosissima*) desert bitterbrush, white bursage (*Ambrosia dumosa*), rabbitbrush (*Chrysothamnus* spp.), range ratany (*Krameria erecta*), desert almond (*Prunus fasciculata*), desert rue (*Thamnosma montana*), Nevada ephedra (*Ephedra nevadensis*), fourwing saltbush (*Atriplex Canescens*). The extreme southern portions transition to Joshua tree (*Yucca brevifolia*), creosote (*Larrea tridentate*), big galleta (*Hilaria rigida*), and several species of succulents (yucca and cactus).

Important forage species are big galleta, globemallow (*Sphaeralcea* spp.), redstem filaree (*Erodium cicutarium*), cheatgrass (*Bromus tectorum*), red brome (*Bromus rubens*) and Nevada ephedra (*Nevada ephedra*). Purple threeawn (*Aristida purpurea*), sand dropseed (*Sporobolus cryptandrus*), bush muhly (*Muhlenbergia porteri*) and Indian ricegrass (*Achnatherum hymenoides*) are present in isolated areas and also provide forage and cover.

Biological crusts were observed to be present in 8 out of 25 of the study areas within these three allotments.

The burned areas in the central and northern portions of Garden Spring and White Rock Allotments are recovering and have exhibited healthy re-growth of Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), yerba santa, desert bitterbrush (*Purshia glandulosa*), Joshua tree and the perennial grasses purple threeawn and bottlebrush squirreltail. This portion of these allotments are higher elevation and more mesic than the southern portions, thus enabling higher rates of successful recovery following disturbance. The burned areas in the lower elevations (i.e., southern parts of Garden Spring and White Rock, and all of Summit Spring) have shown moderate to poor recovery. Annual grasses such as cheatgrass and red brome, and forbs like redstem filaree dominate the landscape post-fire in these low-elevation, low-rainfall regions.

Key Areas

A key area is a relatively small portion of a pasture or allotment selected because of its location, use, or grazing value as a monitoring point for grazing use. It is assumed that key areas, if properly selected, will reflect the current grazing management over the pasture or allotment as a whole (NRCS 1997). Key areas represent range conditions, trends, seasonal degrees of use, and resource production and values. Map 2 in Appendix B shows the key areas within the Garden Spring, White Rock and Summit Spring Allotments. Supplemental study sites, also shown on the key area map, were also selected to obtain data in major soil types within these allotments. These sites are not key areas but were chosen in effort to assess rangeland health in the entire allotment, not just key forage or use areas

Table 1-3 in Appendix A lists the ecological site associated with the key areas and supplemental study sites. Tables 5-7 in Appendix A lists the expected and actual vegetation composition associated with each study site and ecological site.

Water Sources

The Tule desert has several year-round water sources of varying types that are fairly uniformly distributed throughout the grazing allotments. Natural springs, developed springs, water hauls, and extensive pipelines and associated tanks provide for the ability to evenly distribute grazing and create a rotation system based on watering locations (Appendix B, Map 3).

Monitoring Methods

Summaries of monitoring methods and data for Garden Spring, White Rock and Summit Spring Allotments are located in Appendix A.

PART 1. STANDARD CONFORMANCE REVIEW

Standard 1. Soils

Watershed soils and stream banks should have adequate stability to resist accelerated erosion, maintain soil productivity, and sustain the hydrologic cycle.

Soil indicators:

- Ground cover (vegetation, litter, rock, bare ground)
- Surfaces (e.g., biological crusts, pavement)
- Compaction/infiltration

Riparian soil indicators:

- Stream bank stability

All of the above indicators are appropriate to the potential of the ecological site.

Standard 1. Soils	
Garden Spring Allotment	
Determination:	
x	Achieving the Standard
	Not Achieving the Standard, but making significant progress towards
	Not Achieving the Standard, and not making significant progress toward standard
Causal Factors:	
	Livestock are a causal factor to not achieving the standard
	Livestock are not a causal factor to not achieving the standard
	Failure to meet the standard is related to other issues or conditions
Guidelines Conformance:	
x	In conformance with the guidelines
	Not in conformance with the guidelines
White Rock Allotment	
Determination:	
x	Achieving the Standard
	Not Achieving the Standard, but making significant progress towards
	Not Achieving the Standard, and not making significant progress toward standard
Causal Factors:	
	Livestock are a causal factor to not achieving the standard
	Livestock are not a causal factor to not achieving the standard
	Failure to meet the standard is related to other issues or conditions
Guidelines Conformance:	
x	In conformance with the guidelines
	Not in conformance with the guidelines
Summit Spring Allotment	
Determination:	
x	Achieving the Standard
	Not Achieving the Standard, but making significant progress towards
	Not Achieving the Standard, and not making significant progress toward standard
Causal Factors:	
	Livestock are a causal factor to not achieving the standard
x	Livestock are not a causal factor to not achieving the standard
x	Failure to meet the standard is related to other issues or conditions
Guidelines Conformance:	
x	In conformance with the guidelines
	Not in conformance with the guidelines

Garden Spring Allotment Discussion

Achieving the soils standard

Grazing is in conformance with the Guidelines

Perennial plant cover is within the NRCS-ESD vegetative cover estimates in most of the **unburned areas** (Table 5 in Appendix A). Key Areas 4 and 5, and Transects A, C, E and F are

meeting vegetative cover values based on the ESD. Along with adequate perennial vegetation cover in these areas, there is also high rock and litter cover to provide soil stability. It should be noted that soils appear to be stable in the allotment as no signs of soil loss or soil movement was observed. The gentle slopes of the allotment help reduce or prevent soil loss caused by overland water flow. Biological crust is also present in this allotment which is an indicator of soil and ecosystem health and minimal disturbance (photo 3 below). Biological crusts were found at Key Area 4 and Transect F.



Photo 1. Heavy rock, redstem filaree and big galleta cover at Key Area 5 in the Garden Spring allotment; unburned.



Photo 2. Heavy rock and plant cover at Transect C in the Garden Spring allotment; unburned.



Photo 3. Biological crust and rock cover at Transect F in the Garden Spring allotment.

In the **burned areas**, soils are stable but vegetative cover is lacking. It is not meeting the standard in most burned areas, but the burned area constitutes 40% of the Garden Spring Allotment. In burned areas (Transects A, B, G and H), the vegetative cover measurements and the present plant communities are not reflective of the ESD and are therefore highly departed from the appropriate plant communities. For Transects A and B (photos 4 and 5 below) that burned in 1999, recovery is evident by the cover measurements being only slightly under the expected cover from the ESD. The plant communities that replaced the burned late-seral blackbrush communities are completely different but still provide ground cover, biotic diversity and structure. This indicates that these study sites are making significant progress toward meeting the standard.



Photo 4. Ground cover by rock and blackbrush seedlings at Transect B in the Garden Spring allotment; burned in 1999.



Photo 5. Ground cover by rock and perennial grasses at Transect A in the Garden Spring allotment; burned in 1999 and 2005.

At Transects G and H (photos 6 and 7 below) which burned in 2005, the previous plant community was blackbrush and desert needlegrass. Recent drought has slowed recovery but the current plant community is different yet diverse and provides excellent cover, structure and forage. This indicates that these study sites are making significant progress toward meeting the standard. Vegetation and rock cover is adequate in the wash to prevent erosion.



Photo 6. Ground cover by rock and re-sprouting vegetation at Transect G in the Garden Spring allotment; burned in 2005.



Photo 7. Vegetative cover in a wash at Transect H in the Garden Spring allotment. Also note heavy rock cover; burned in 2005.

Utilization is slight to moderate at key forage plant use areas, indicating that the grazing system is meeting proper utilization objectives. This also indicates that the 10-year average actual use levels are appropriate for the current conditions and are supporting vegetation production at levels that are sustainable to grazing. These analyses and monitoring results are reflective of the AUMs that are actually used, which has only averaged approximately 43% of permitted AUMs in the last 10 years. Based on these conclusions, livestock are not the causal factor for lower than expected vegetative cover values. Live vegetation plus litter and rock cover are adequate to protect soil values and resist erosion.

White Rock Allotment Discussion

Achieving the soils standard

Grazing is in conformance with the Guidelines

Perennial plant cover is within the NRCS-ESD vegetative cover estimates in most of the **unburned** areas. Key Areas 4, 5, 6, and 7 and Transect E are meeting vegetative cover values based on the ESD. Perennial grass cover is consistently low when comparing study areas to expected perennial grass cover. Key Areas 4, 5, 6 and 7 are stable late-seral blackbrush or blackbrush/creosote communities that typically have very little understory and interspace vegetation. Transect E is similar to Transect D (photos 8 and 9 below), a highly productive big galleta/creosote community. Transect D has the appropriate vegetative components but lower than expected productivity.



Photo 8. Transect E, big galleta community. Also note heavy rock cover.



Photo 9. Transect D, big galleta community. Also note heavy rock cover.

Key Areas 1 and 3 (photos 10 and 11 below) seem to be highly departed from ESD due to lack of perennial grasses in the plant community. Galleta is present in small amounts while annual brome and redstem filaree have become the most abundant species at these sites.



Photo 10. Key Area 1 is departed from ESD due to lack of perennial grasses, note heavy rock and redstem filaree cover.



Photo 11. Key Area 3 is departed from ESD due to low perennial grass productivity, note big galleta community on the right and heavy redstem filaree cover.

The vegetation at Transect C (photo 12) does not seem to match the vegetation in the ESD, whereas the expected vegetation is galleta, Indian ricegrass and fourwing saltbush and the actual present vegetation is typical of Mojave mixed woody scrub with a subdominant blackbrush component.

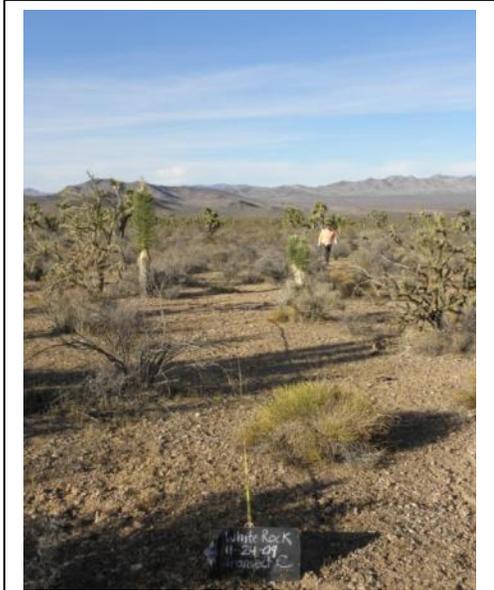


Photo 12. Transect C, scrub blackbrush community.

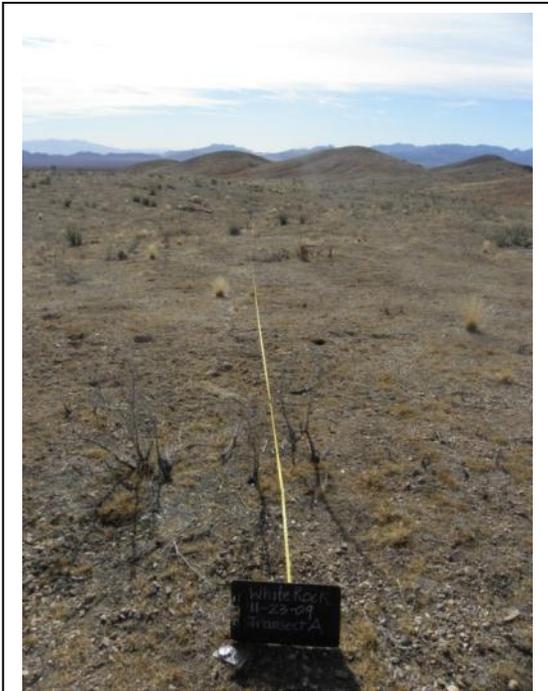


Photo 13. Transect A shows poor recovery but note heavy rock and litter cover; burned in 2005.

In **burned areas** at Transects A and B (photos 13 and 14), the vegetative cover measurements and the present plant communities are not reflective of the ESD and are therefore highly departed from the appropriate plant communities. This allotment is not meeting ESD expected vegetative cover values in the burned areas, but the burned area only constitutes 25% of the White Rock allotment. Previously these sites were late-seral blackbrush communities. Transect A has shown very little recovery and does not seem to be making progress toward meeting the standard. Annual redstem filaree is the most abundant vegetation with a vigorous globemallow presence and purple threeawn which is ungrazed and thriving. Transect B now supports a diverse community of perennial grasses along with globemallow and re-sprouting creosote. Recent drought has slowed recovery at both of these sites. The current plant community at Transect B is different from the ESD yet it is diverse and provides cover, structure and forage. This indicates that this study site is making significant progress toward meeting the standard.



Photo 14. Transect B supports a diverse perennial grass community. Also note heavy rock cover; burned in 2005.



Photo 15. Biological crust at Key Area 6. Also note heavy rock cover; unburned.

Along with perennial vegetation cover, there is also high rock and litter cover to provide soil stability. It should be noted that soils appear to be stable in the allotment as no outward signs of soil loss or soil movement was observed during monitoring. The gentle slopes of the allotment help reduce or even prevent soil loss due to overland flow. Biological crust is also present in this allotment which is an indicator of soil and ecosystem health and minimal disturbance (photo 15). Biological crust was found at Key Areas 3, 5 and 6 and Transect C.

Utilization is slight to moderate at key forage plant use areas, indicating that the grazing system is meeting proper utilization objectives. This indicates that the 10-year average actual use levels are appropriate for the current conditions and are supporting vegetation production at levels that are sustainable to grazing. These analyses and monitoring results are reflective of the AUMs that are actually used, which has only averaged approximately 22% of permitted AUMs in the last 10 years. Based on these conclusions, livestock are not the causal factor for lower than expected vegetative cover values. Live vegetation, litter and rock cover are adequate to protect soil values and resist erosion.

Summit Spring Allotment Discussion

Not achieving the Standard but making significant progress toward achieving it.

Livestock are not the causal factor; failure to meet the standard is due to fire, invasive annual vegetation and alteration of the historic fire regime from the Ecological Site Description for that soil type.

Grazing is in conformance with the Guidelines

Perennial plant cover is within the NRCS-ESD vegetative cover estimates in all of the **unburned areas**. Key Areas 3, 4 and 5 are all meeting the Rangeland Health Standard for soils. Cover is adequate and vegetation is appropriate for these unburned sites. The unburned area covers approximately 49% of this allotment, with the rest being burned in 2005. Along with perennial vegetation cover, there is also high rock and litter cover to provide soil stability. It should be noted that soils appear to be stable in the allotment as no conspicuous signs of soil loss or soil movement was observed during monitoring. The gentle slopes of the allotment help reduce or even prevent soil loss as a result of overland water flow. Biological crust is also present in this allotment indicating soil and ecosystem function with minimal disturbance. Biological crust was very abundant at Key Areas 3 and 4. Key Areas 3 and 4 are in blackbrush/Nevada ephedra community, which offers excellent grazing potential but has been essentially ungrazed. Additionally, they are surrounded by very productive big galleta communities that have been

essentially ungrazed. Annual invasion is minimal and soils are rocky and stable. Key Area 5 harbors a diverse collection of perennial vegetation and also receives very little grazing.

The areas that are not meeting the soil standard are a result of the alteration of the historic fire regime due to invasive annuals and the 2005 fires. The burned area covers 51% of the allotment and is showing little to no perennial vegetation recovery. The soil is rocky and stable; however the burned portion is dominated by annuals and lacking perennials. Summit Spring Allotment is water-limited; the only permanent water sources are in the north-east corner and eastern edge of the allotment. The **burned area** was not considered a key grazing use area due to water limitations and lack of forage. Cattle do not utilize the majority of this allotment; this was true before it burned in 2005. Key areas were not established in forage and water limited areas because they would have not served any management purpose. This factor is also reflected by the depressed use levels of the producer on this allotment.

Livestock grazing is not a contributing factor to not achieving the Standard. The primary reasons for not achieving the standard are the Duzak and the Halfway fires that occurred during the summer of 2005. The portion of the allotment that did not burn has excellent diversity of native species. The annual grasses that are present within the unburned should be kept at a minimum using targeted grazing. Targeted grazing would focus the season of use and livestock numbers on reducing invasive annual plants and fine fuels that would support future fires; the prevention of future fires is key in preserving and enhancing ecological processes in the area.

Utilization is none to slight at key forage plant use areas, indicating that the grazing system is meeting proper utilization objectives. This also indicates that the 10-year average actual use levels are appropriate for the current conditions and are supporting vegetation production at levels that are sustainable to grazing. These analyses and monitoring results are reflective of the AUMs that are actually used, which has been very limited since the fires in 2005 and has averaged 41% of permitted AUMs for the last 10 years. Based on these conclusions, livestock are not the causal factor for not meeting the standard. Live vegetation, litter and rock cover are adequate to protect soil values and resist erosion in the unburned areas. Conversely, the large contiguous tract of burned area has shown very limited vegetative recovery, though it still has adequate rock and litter cover to stabilize soils.

Standard 2. Ecosystem Components

Watersheds should possess the necessary ecological components to achieve state water quality criteria, maintain ecological processes, and sustain appropriate uses. Riparian and wetlands vegetation should have structural and species diversity characteristic of the stage of stream channel succession in order to provide forage and cover, capture sediment, and capture, retain, and safely release water (watershed function).

Upland Indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site
- Ecological processes are adequate for the vegetative communities

Riparian Indicators:

- Stream side riparian areas are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows
- Elements indicating proper functioning condition such as avoiding accelerating erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics
 - Width/Depth ratio
 - Channel roughness
 - Sinuosity of stream channel
 - Bank stability
 - Vegetative cover (amount, spacing, life form)
 - Other cover (large woody debris, rock)
- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics

Water Quality Indicators

- Chemical, physical and biological constituents do not exceed the state water quality standards

The above indicators shall be applied to the potential of the ecological site.

Standard 2. Ecosystem Components	
Garden Spring Allotment	
Determination:	
x	Achieving the Standard
	Not Achieving the Standard, but making significant progress towards
	Not Achieving the Standard, and not making significant progress toward standard
Causal Factors:	
	Livestock are a causal factor to not achieving the standard
	Livestock are not a causal factor to not achieving the standard
	Failure to meet the standard is related to other issues or conditions
Guidelines Conformance:	
x	In conformance with the guidelines
	Not in conformance with the guidelines
White Rock Allotment	
Determination:	
x	Achieving the Standard
	Not Achieving the Standard, but making significant progress towards
	Not Achieving the Standard, and not making significant progress toward standard
Causal Factors:	
	Livestock are a causal factor to not achieving the standard
	Livestock are not a causal factor to not achieving the standard
	Failure to meet the standard is related to other issues or conditions
Guidelines Conformance:	
x	In conformance with the guidelines
	Not in conformance with the guidelines
Summit Spring Allotment	
Determination:	
x	Achieving the Standard
	Not Achieving the Standard, but making significant progress towards
	Not Achieving the Standard, and not making significant progress toward standard
Causal Factors:	
	Livestock are a causal factor to not achieving the standard
	Livestock are not a causal factor to not achieving the standard
	Failure to meet the standard is related to other issues or conditions
Guidelines Conformance:	
x	In conformance with the guidelines
	Not in conformance with the guidelines

Garden Spring Discussion

Achieving the Ecosystem Components Standard.

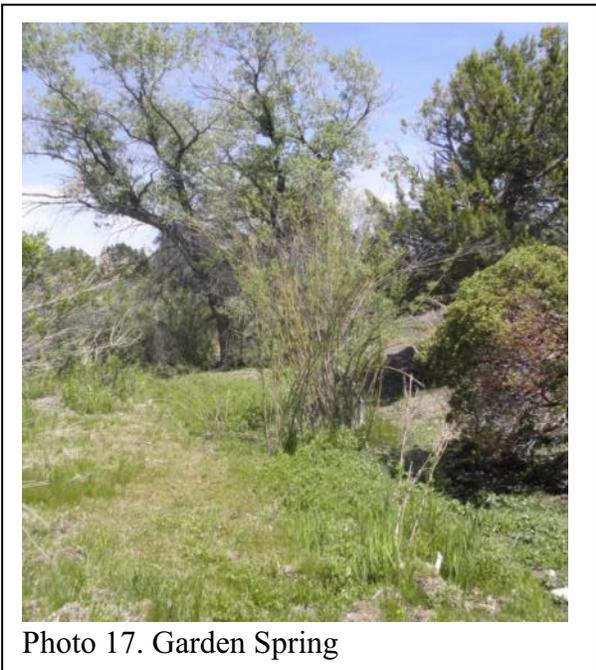
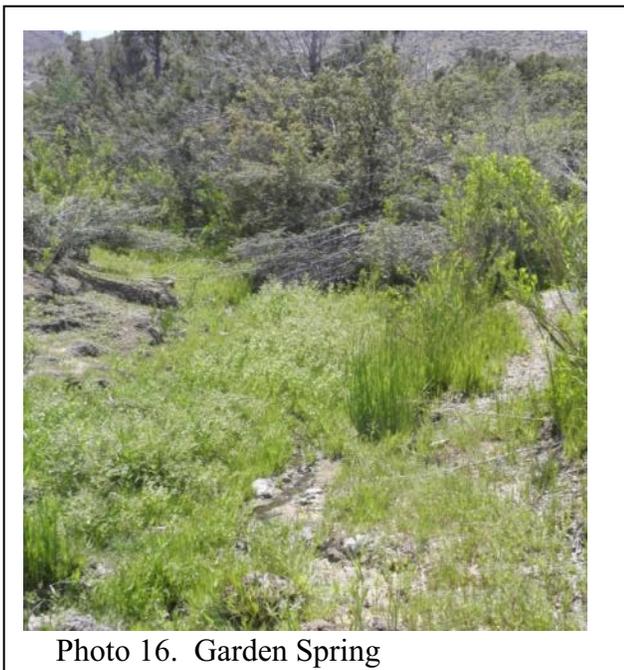
Grazing is in conformance with the guidelines.

Data and field observations relating to soils, hydrologic processes, canopy and ground cover (including litter and rock) were discussed in Standard 1 which was achieved. Observed live vegetation species are discussed in Standard 3.

Approximately 40% of the allotment has recently experienced disturbance due to the 2005 fires. Most of this burn area is in the northern portion of the allotment and is identified as a blackbrush (*Coleogyne ramosissima*) and desert needlegrass (*Achnatherum speciosum*) community. Some of these blackbrush areas were previously burned over 50 years ago and blackbrush has yet to reestablish on the site. Although there is some blackbrush seedlings noted in the burn areas, it is unlikely that blackbrush will reestablish to its historic densities under the current climate regime. However, the allotment still supports a healthy, diverse variety of native perennial grasses and shrubs with a major component of annual forbs and annual grasses; all of which provide soils with adequate cover to protect soils from water and wind erosion, as well as provide thermal cover for wildlife (see Standard 1).

Garden Spring—Proper Functioning Condition (lentic)

Garden Spring is described as a Great Basin foothill and lower montane riparian woodland and shrubland by the U.S. Geologic Service's Southwest ReGAP Project. This spring lies in the transition zone between the Great Basin and Mojave Desert and could also be described as a Mogollon chaparral habitat. The potential for the site was listed as a grass dominated wet meadow, however past disturbance had impacted the area. The area was analyzed using the lentic checklist, but did have some lotic characteristics. One criterion that was not in accordance with PFC is natural flow patterns which were altered by runoff events and a road through the area. Trend is upward. See Appendix A for PFC Lentic Checklist.



Box Spring –Functional-At Risk

Box Spring is located in a similar bio-physical setting as Garden Spring, which is approximately 1 mile away. This riparian area was described by the ID team as a “disconnected riparian system in a rocky/sandy wash with some sub-surface reaches” and as a “flashy system.” This spring was rated and functional-at risk primarily due to hydrologic factors, specifically the floodplain is not inundated by frequent events and sinuosity, width/depth ratio, sedimentation, and gradient are not in balance with the landscape setting. This is a likely result of a combination or being located in an area that receives high volume run-off events, sandy unstructured soils with high percolation rates, and limited water flows. This causes disturbance and channel alteration during snow melt and other high runoff events which maintain colonizer dominance in the area. Some wildlife, cattle, and horse use was noted, but not excessive. The riparian area is fenced, but the gate had been left open for some time. See Appendix A for PFC Lotic Checklist.



Photo 18. Box Spring

Unnamed Spring –PFC not evaluated

The unnamed spring is located in bedrock in a similar bio-physical setting as Garden and Box Springs. The water source is stable and undisturbed. Because the area is surrounded by bedrock, it supports very little riparian vegetation and shows very little sign of animal use. Cottonwoods and willows are abundant in the wash downstream and there are no signs of erosion due to being situated in bedrock. PFC was not completed on this spring.

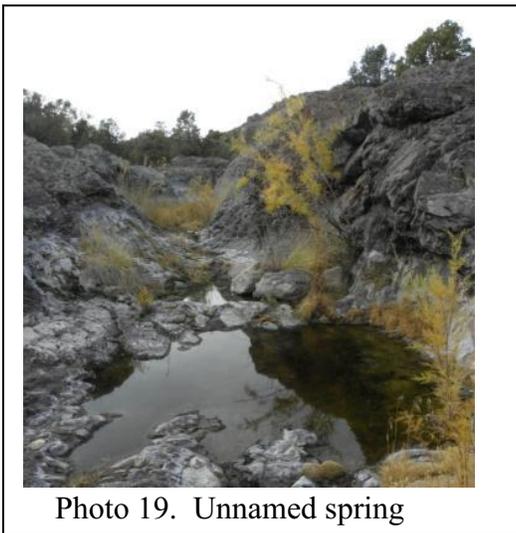


Photo 19. Unnamed spring

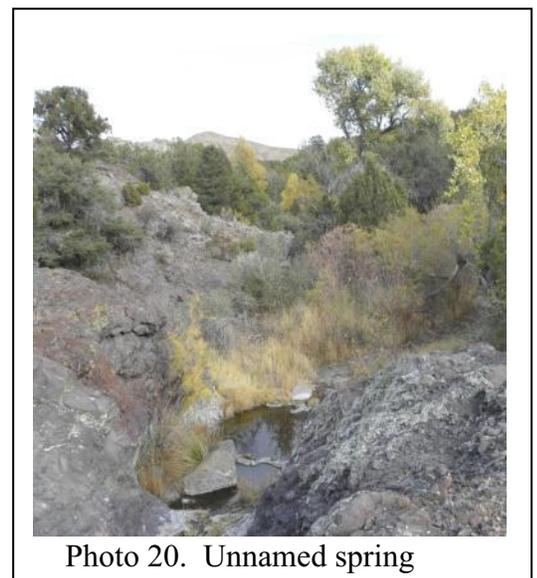


Photo 20. Unnamed spring

White Rock Discussion

*Achieving the Ecosystem Components Standard.
Grazing is in conformance with the guidelines.*

Data and field observations relating to soils, hydrologic processes, canopy and ground cover (including litter and rock) were discussed in Standard I which was achieved. Observed live vegetation species are discussed in Standard 3.

The unburned areas of the allotment have adequate and appropriate vegetation to protect soils and provide wildlife habitat. The burned areas, which make up approximately 25% of the allotment, are primarily former blackbrush sites and are typically slow to recover from disturbance. However, they do have adequate vegetation to protect soils and brush species have re-sprouted and are developing thermal cover for wildlife.

There are no natural water sources in this allotment therefore the riparian component of Standard 2 was not evaluated.

Summit Spring Discussion

*Not achieving the Standard but making significant progress toward achieving it.
Livestock are not the causal factor; failure to meet the standard is due to fire, invasive annual vegetation and alteration of the historic fire regime from the Ecological Site Description for that soil type.*

Unburned areas of the allotment are meeting the standard. Data and field observations relating to soils, hydrologic processes, canopy and ground cover (including litter and rock) were discussed in Standard 1, which was not achieved overall due to burn areas from the 2005 fires. Observed live vegetation species are discussed in Standard 3.

Burned areas of the allotment are not meeting the standards due to perennial species not recovering at this time, but it is expected to recover over time as weather conditions and fire regime dictate. Without perennial species thermal cover and habitat is not suitable for wildlife; specifically with regards to desert tortoise. Grazing is not a contributing factor as there is little to no grazing occurring over large portions of the allotment, including burned areas, due to water limitations.

Historically the springs in the Summit Spring Allotment have been dredged and altered to service livestock watering and are not considering riparian systems. They support very little to no riparian vegetation and are shrub-grass vegetation communities. These springs are located in the unburned portions of the allotment. The burned portion of the allotment is not in the immediate area of these small springs.

PFC was completed by an interdisciplinary team on these springs but it was determined that the PFC riparian monitoring system was inappropriate for these systems as they had limited riparian values.

Standard 3. Habitat and Biota

Habitats and watersheds should sustain a level of biodiversity appropriate for the area and conducive to appropriate uses. Habitats of special status species should be able to sustain viable populations of those species.

Habitat Indicators:

- Vegetation composition (relative abundance of species)
- Vegetation structure (life forms, cover, height, and age classes)
- Vegetation distribution (patchiness, corridors)
- Vegetation productivity
- Vegetation nutritional value

Wildlife Indicators:

- Escape terrain
- Relative abundance
- Composition
- Distribution
- Nutritional value
- Edge-patch snags

The above indicators shall be applied to the potential of the ecological site.

Standard 3. Habitat and Biota	
Garden Spring Allotment	
Determination:	
x	Achieving the Standard
	Not Achieving the Standard, but making significant progress towards
	Not Achieving the Standard, and not making significant progress toward standard
Causal Factors:	
	Livestock are a causal factor to not achieving the standard
	Livestock are not a causal factor to not achieving the standard
	Failure to meet the standard is related to other issues or conditions
Guidelines Conformance:	
x	In conformance with the guidelines
	Not in conformance with the guidelines
White Rock Allotment	
Determination:	
x	Achieving the Standard
	Not Achieving the Standard, but making significant progress towards
	Not Achieving the Standard, and not making significant progress toward standard
Causal Factors:	
	Livestock are a causal factor to not achieving the standard
	Livestock are not a causal factor to not achieving the standard
	Failure to meet the standard is related to other issues or conditions
Guidelines Conformance:	
x	In conformance with the guidelines
	Not in conformance with the guidelines
Summit Spring Allotment	
Determination:	
	Achieving the Standard
x	Not Achieving the Standard, but making significant progress towards
	Not Achieving the Standard, and not making significant progress toward standard
Causal Factors:	
	Livestock are a causal factor to not achieving the standard
x	Livestock are not a causal factor to not achieving the standard
x	Failure to meet the standard is related to other issues or conditions
Guidelines Conformance:	
x	In conformance with the guidelines
	Not in conformance with the guidelines

Garden Spring Discussion

Achieving the Habitat and Biota standard

In conformance with the guidelines

Vegetative cover and structure on the Garden Spring Allotment is consistent with ecological site descriptions in the unburned areas, and the burned areas have shown excellent recovery. Please see line-intercept and line-point intercept data in Tables 7 and 8 in Appendix A. The plant species present in the unburned areas offer structure that is conducive to desert tortoise habitat needs (see photos 21, 22 and 23 below). These unburned areas comprised of blackbrush and creosote communities that are typical of Mojave Desert vegetation and are suitable habitat for desert tortoise.

Burned areas are recovering and are offering diverse, early succession plant communities that contain a greater density of species that are also present in blackbrush/creosote communities. Photo 24 shows a Mojave mid-elevation mixed desert shrub community that burned in 1999 and in 2005, which is now dominated by purple three-awn and yerba santa.



Photo 21. Late seral blackbrush community at Transect F in the Garden Spring allotment;



Photo 22. Transect C in the Garden Spring allotment; unburned blackbrush/creosote community.



Photo 23. Key Area 4 in the Garden Spring allotment; unburned blackbrush/creosote community.

This matrix of burned and unburned range provides landscape scale diversity and mosaics of varying plant species, structure and ages. The burned and unburned range offers nutritious and palatable forage species for cattle grazing and for desert tortoise consumption. Annual redstem filaree is a low-growing forb that provides consistent high-quality forage for cattle and tortoises alike (Photo 25). Annual brome grazed in the spring provides high-quality forage that helps supplement and reduce grazing pressure on native perennial vegetation such as big galleta, Indian ricegrass and Nevada ephedra. Desert globemallow is also found to be very prevalent, especially on burned areas and is shown to be valuable forage that has moderate regrowth potential and will green-up twice in one season.

1. Utilization is slight to moderate at key forage plant use areas, indicating that the grazing system is meeting proper utilization objectives. This also indicates that the 10-year average actual use levels are appropriate for the current conditions and are supporting vegetation production at levels that are sustainable to grazing. The level of use recommended in the Ely RMP (2008) in the USFWS Desert Tortoise Programmatic Biological Opinion (Appendix D, page 25) sets maximum allowable use levels for plant functional groups. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Garden Spring, Allotment - during the authorized grazing use period - will not exceed 40%. The current utilization levels are compliant with USFWS recommendations for sustainable grazing in desert tortoise habitat.



Photo 24. Transect A—Garden Spring allotment.



Photo 26. Blackbrush seedlings at Transect B in the Garden Spring allotment; burned 1999.



Photo 25. Transect D in the Garden Spring allotment; unburned. This is an example of an important use area with redstem filaree and big galleta.

Vegetative mosaics are prevalent in these allotments due to fire patterns. Wildfires in 1999 and 2005 and diverse soil types offer very different vegetation zones which are dynamic and diverse plant communities of varying age classes and ecological functions. See Photos 26-29 below which shows mosaics created by fire frequency and the different stages of recovery that are apparent between the foreground and background.



Photo 27. Transect B in Garden Spring allotment. Burned in 1999. The 2005 burned area can be seen in the background.

At this latitude filaree and annual brome can germinate in the fall and winter, which is consistent with precipitation patterns in this area. This makes them a consistent forage source. Unfortunately this also means that there will always be a source of fine fuels that increase the risk of wildfire. Grazing is an inexpensive tool to control annual production and fuel buildup. The current season of use enables utilization of these annual forages. Wildfire in the Mojave Desert has overwhelmingly shown to be devastating to vegetation and ecosystem processes in arid warm deserts and recovery is extremely slow and only possible if fire frequency is kept within historical intervals. This allotment is in the Great Basin - Mojave Desert ecotone and does not experience the harsh environmental conditions of the interior Mojave Desert. It is still within desert tortoise habitat and measures must be taken to prevent fire in order to preserve plant diversity and habitat.



Photo 28. Re-sprouting desert bitterbrush and yucca at Transect G in the Garden Spring allotment; burned in 2005.



Photo 29. Vigorous re-sprouting of desert bitterbrush in the 1999 burned area on the north part of Garden Spring allotment. Note that the 2005 burned area can be seen in the background.

White Rock Discussion

Achieving the Habitat and Biota standard.

In conformance with the guidelines.

Vegetative cover and structure on the White Rock Allotment is adequate in most areas, though some were found to be departed from the ESD. The discussion for the Soils Standard analyzes vegetative cover results in length. Perennial grass components are consistently low, which could be due to historical over grazing, drought or other environmental factors such as invasive species. Current livestock utilization levels are acceptable and meeting objectives. Current grazing practices are most likely not the cause for reduced perennial grasses. The plant species present in the unburned areas offer structure that is conducive to desert tortoise habitat needs. These unburned areas are late seral blackbrush and creosote communities that are typical of Mojave Desert vegetation and are consistent with the habitat for desert tortoise. Please see line-intercept and line-point intercept data in Table 6 in Appendix A.



Photo 30. Diversity in the northern portion of White Rock allotment; burned 2005.

The burned areas are departed from the ESD, but have shown recovery and establishment of new plant communities. Burned areas support diverse, early-seral plant communities that contain species that are otherwise present in very low amounts pre-fire (photos 30).

The burned and unburned range offers nutritious and palatable forage species for cattle grazing and for desert tortoise consumption. Annual redstem filaree is a low-growing forb that provides consistent high-quality forage for cattle and

tortoises alike. Annual brome grazed in the spring provides forage that helps supplement and reduce grazing pressure on native perennial vegetation such as big galleta, Indian ricegrass and Nevada ephedra. Desert globemallow is also found to be very prevalent, especially on burned areas and is shown to be valuable forage that has moderate regrowth potential and will green-up twice in one season.

Utilization is slight to moderate at key forage plant use areas, indicating that the grazing system is meeting proper utilization objectives. This also indicates that the 10-year average actual use levels are appropriate for the current conditions and are supporting vegetation production at levels that are sustainable to grazing. The level of use recommended in the Ely RMP (2008) in

the USFWS Desert Tortoise Biological Opinion (Appendix D, page 25) sets maximum allowable use levels for plant functional groups. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the White Rock Allotment - during the authorized grazing use period - will not exceed 40%. The current utilization levels are compliant with USFWS recommendations for sustainable grazing in desert tortoise habitat.

Vegetative mosaics are prevalent in these allotments due to fire frequency patterns. Wildfires in 1999 and 2005 and diverse soil types offer very different vegetation zones which are dynamic and diverse plant communities of varying age classes and ecological functions. Photo 31 below which shows mosaics created by fire and the different stages of recovery that are apparent between the foreground and background.

Filaree and other annual species can germinate in the fall and winter, which is consistent with



Photo 31. Mosaics of vegetation can be seen on the landscape in the White Rock allotment.

precipitation patterns in this area. This makes them a consistent forage source. Unfortunately this also means that there will always be a consistent supply of fine fuels that alter fire regime and increase the risk of wildfire. Grazing can be used to help reduce fuel buildup and reoccurring fires. The current season of use enables utilization of these annual forages. Wildfire in the Mojave Desert, which historically had an infrequent fire interval of greater than 500 years, has overwhelmingly shown to be devastating to vegetation and ecosystem processes and recovery is extremely slow. In the case of former blackbrush stands, recovery may not be possible due to historical and pre-historical changes in climate. This allotment is in the Great Basin - Mojave Desert transition zone and does not experience the harsh environmental conditions of pure Mojave Desert. It is still within desert tortoise habitat and measures should be taken to prevent fire but to also preserve plant diversity and overgrazing.

Summit Spring Discussion

Not achieving the Standard but making significant progress toward achieving it.

Livestock are not the causal factor; failure to meet the standard is due to fire, invasive annual vegetation which has resulted in an overall departure from the Ecological Site Description for that soil type.

Grazing is in conformance with the Guidelines.

In the unburned areas of the Summit Spring Allotment, rangeland health and habitat quality is superior. There is high plant diversity, forage availability, ground cover and plants are healthy and abundant. Key Areas 3 and 4 are located in blackbrush/Nevada ephedra communities but very vigorous stands of ungrazed big galleta and Nevada ephedra run the entire wash and in the uplands of the unburned area. Key Area 5 supports bursage, range ratany, Nevada ephedra and perennial grasses such as big galleta and Indian ricegrass. Mosaics of vegetation occur throughout the unburned wash in the different soil types. The wash acts as a natural corridor to two small developed springs in the northwest edge of the allotment. The unburned range offers nutritious and palatable forage species for cattle grazing and for desert tortoise consumption. Annual redstem filaree is a low-growing forb that provides consistent high-quality forage for cattle and tortoises alike. Annual brome grazed in the spring provides high-quality forage that helps supplement and reduce grazing pressure on native perennial vegetation such as big galleta, Indian ricegrass and Nevada ephedra. Desert globemallow is also found to be very prevalent, especially on burned areas and is shown to be valuable forage that has moderate regrowth potential and will green-up twice in one season.

In the burned areas, which constitute 51% of the allotment, recovery is very poor; this is the reason this allotment is not meeting the habitat standard. Habitat is non-existent in the burned areas and it will most likely take the life of this permit to see substantial habitat recovery on this portion of the allotment. In the southwest corner of Summit Spring is a small portion of desert tortoise critical habitat, but it was also burned in 2005. Otherwise, this allotment is closer to true Mojave Desert vegetation than Garden Spring and White Rock Allotments in the unburned portions. The environment is harsher in this lower elevation and is most likely a reason for delayed plant recovery.

Utilization is none to slight at key forage plant use areas, indicating that the grazing system is meeting proper utilization objectives. This also indicates that the 10-year average actual use levels are appropriate for the current conditions and are supporting vegetation production at levels that are sustainable to grazing. The level of use recommended in the Ely RMP (2008) in the USFWS Desert Tortoise Biological Opinion (Appendix D, page 25) sets maximum allowable use levels for plant functional groups. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Summit Spring Allotment - during the authorized grazing use period - will not exceed 40%. The current utilization levels are compliant with USFWS recommendations for sustainable grazing in desert tortoise habitat.

Poor water distribution limits grazing use and the burned areas have been allowed to recover naturally and without disturbance from grazing. Annual brome, redstem filaree and weeds such as Russian thistle have established vigorously in the burn. Cattle grazing generally doesn't occur on that portion of the allotment, due to lack of water, but continued grazing of the unburned portion will not have an impact on the ability of this allotment to meet standards. Utilization is none to slight in the Summit Spring Allotment so the level of actual use is well below range carrying capacity. High litter cover from annual grasses and forbs poses a serious wildfire

hazard. Prescribed cattle grazing could be used to control fine fuels in the burned portion of the allotment except water is limiting and it is difficult to keep cattle on these large contiguous tracts of burned area because the trek to water becomes the limiting factor. The current season of use enables utilization of these annual forages. Wildfire in the Mojave Desert has overwhelmingly shown to be devastating to vegetation and ecosystem processes and recovery is extremely slow, if at all.

PART 2. ARE LIVESTOCK A CONTRIBUTING FACTOR TO NOT MEETING THE STANDARDS? SUMMARY REVIEW

According to the Standards and Guidelines for Nevada's Mojave-Southern Great Basin Area, it must be determined if livestock grazing is a significant factor in the non-attainment of the Standards and Guidelines (BLM 2006).

Failure to meet the standards is due to fire, invasive annual vegetation and overall departure from the Ecological Site Descriptions for the respective soil types. The primary reasons for these allotments not meeting the Standards for Rangeland Health are the Duzak and Halfway fires that occurred in the summer of 2005. The high percentage of burned areas within these allotments is deemed the primary reason for not meeting Rangeland Health Standards, overall.

Livestock grazed at these actual use levels are not a contributing factor to not meeting the standards. Ten-year average actual use for the sole permittee, Newby Cattle Company, is equivalent to 43%, 22% and 41% of current permitted use for Garden Spring, White Rock and Summit Spring Allotments, respectively. Grazing on these allotments is shown to be sustainable at this level. The majority of unburned tracts of land and remnant areas are meeting the Standards for Rangeland Health and are found to be within reasonable key forage plant use levels. This indicates that cattle are meeting grazing objectives on unburned lands and are not contributing to rangeland degradation.

Burned areas within the Garden Spring and White Rock Allotments are showing substantial signs of recovery and have shown to harbor early-seral plant communities that can support and withstand grazing. The Summit Spring Allotment has shown very few signs of recovery. However, since the allotment is water-limited and therefore receives very little grazing pressure it will naturally recover as biotic and abiotic resources allow.

PART 3. GUIDELINE CONFORMANCE REVIEW AND SUMMARY

Grazing is in conformance with all applicable Guidelines as provided in the Mojave-Southern Great Basin Standards and Guidelines on the Garden Spring, White Rock and Summit Spring Allotments.

PART 4. MANAGEMENT PRACTICES TO CONFORM WITH GUIDELINES AND ACHIEVE STANDARDS

Allotment Specific Management Recommendations:

1. Change season of use from 10/1 - 5/31 to 11/1 - 4/30 for Garden Spring and White Rock Allotments.

Justification: Under this proposed decision, the grazing season would be shortened. Coming on at 11/1 and off on 4/30 allows perennial plants more opportunity to for energy storage and reproduction. This will enhance perennial establishment of warm season grasses by allowing for increased seed production and increased seedling establishment. This will also allow for the use of cattle as a tool to capture the window of opportunity to graze annual grasses and forbs during vegetative growth; they are of high forage quality and highly desirable by cattle at this stage of growth. This will also increase native perennial establishment by reducing competition from non-native annuals. Removal by 4/30 also gives cool-season grasses a chance to re-grow while temperatures are still favorable. The goal is to only have these areas grazed once per growing season because the current season of use is spanning two growing seasons.

2. Change season of use from 10/1 – 5-31 to 11/1 – 2/28 for Summit Spring Allotment until funding is available to construct a fence which would prevent livestock access into designated desert tortoise critical habitat.

Justification: The Summit Spring Allotment contains desert tortoise critical habitat (Map 4, Appendix B). This critical habitat is not fenced from the remainder of the allotment, therefore livestock can gain access. According to the RMP (2008), livestock grazing is not permitted from 3/1 – 10/31 within designated desert tortoise critical habitat.

Therefore, for the Summit Spring Allotment the season of use would be changed from 10/1 – 5/31 to 11/1 to 2/28. This season of use would remain in effect until funding is available to construct a fence which would prevent livestock access into designated desert tortoise critical habitat within the allotment. Following such fence construction, the season of use would be changed from 11/1 - 2/28 to 11/1 – 4/30.

Put 40% of AUMS into voluntarily non-use for fuels management purposes, while the remaining 60% will remain in Active Use for a period of 10 years in the Garden Spring, White Rock and Summit Spring Allotments. Voluntary non-use of AUMs is for fuels management purposes and is not a permanent revocation of grazing privileges.

Justification: The ID team feels that if these allotments were grazed at 100% of permitted use, with the current circumstances (high percentage of burned areas, low perennial grass populations, low precipitation, etc.), that rangeland degradation would occur. The ID team recommends that AUMs still remain intact, but be placed in voluntary non-use for the life of this permit (10 years).

When the next rangeland health evaluation is conducted for permit renewal (approximately 2022), the allotments will be re-analyzed to determine if reinstatement of the voluntarily non-

use AUMs is the appropriate management decision. If resource conditions allow, all or a percentage of the voluntarily non-use AUMs will be reinstated to Active AUMs. Examples of justification for reinstatement of voluntarily non-use AUMs to active AUMs would be if fire recovery objectives were met on the allotment; or if current plant communities in burned areas are stable, vigorous, and harbor plant species that can sustain grazing. This is in accordance with Reasonable and Prudent Measure 7i of the Biological Opinion for the Ely RMP (2008).

- 3. Voluntarily non-use AUMs will be determined on an ANNUAL BASIS, and be available through temporary nonrenewable grazing (§ 4110.3-1 (a)), if resource conditions require reduction of fine fuels buildup. Annual use of any AUMs in voluntary non-use must be evaluated by the ID Team and approved by the Authorized Officer.**

Justification: Grazing use on these allotments in the past has fluctuated with precipitation and this Term and Condition allows for flexibility to use some of those voluntarily non-use AUMs if above criteria is met, and is approved by the Authorizing Officer and ID Team.

Temporarily reinstating voluntarily suspended AUMs is considered a tool for resource emergencies, such as and aid in promoting the reduction of a fire hazard. It is recognized that fire in the Mojave Desert is devastating to all resources, and it is considered a high priority to reduce the risk of fire. Grazing cattle in this prescribed fashion can be used to target annual grasses and significantly reduce the buildup of fine fuels.

Best Management Practices

The following Best Management Practices would be added to the term grazing permit for Authorization #2705036:

4. Under the discretion of the BLM, the permittee will use multiple watering locations within each allotment, during any given grazing season; watering locations will be used in a manner which will yield maximum livestock distribution within each allotment; and herding will be used where and when deemed necessary. Watering locations will include wells, reservoirs, spring developments, and water hauls. All water use will be in accordance with Nevada State Law.
5. Allowable Use Levels on current year's growth of upland vegetation (grasses, forbs and shrubs) within the Garden Spring, White Rock and Summit Spring Allotments - during the authorized grazing use period - will not exceed 40%.

The BMPs would promote livestock distribution, within each allotment, to achieve a uniform utilization level. When coupled with the introduction of allowable use levels, it would aid in preventing overall negative impacts to the soil and plant resource accordingly.

To address the Clover Mountain and Mormon Mountain Wilderness Areas, created through the Lincoln County Conservation Recreation and Development Act P.L. 108-424, the following term and condition will be added to comply with the Wilderness Act of 1964 (P.L. 88-577) (see Congressional Grazing Guidelines in Appendix V of the EA):

6. No motorized access is permitted within the designated Mormon Mountain or Clover Mountain Wilderness Areas without approval of the Field Manager. Motorized access may be permitted for emergency situations, or where practical alternatives for reasonable grazing management needs are not available and such motorized use would not have an adverse impact on the natural environment.

In relation to grazing, there would be no additional terms and conditions needed for management practices to conform to guidelines to either make progress toward or to maintain achievement of the Standards for Rangeland Health.

The following terms and conditions, from the *Programmatic Biological Opinion for the Bureau of Land Management's Ely District Resource Management Plan* (File No. 84320-2008-F-0078) (RMP 2; pp. 132-133), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from the implementation of programs in general:

7. Prior to initiation of an activity within desert tortoise habitat, a desert tortoise awareness program shall be presented to all personnel who will be onsite, including but not limited to contractors, contractors' employees, supervisors, inspectors, and subcontractors. This program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; speed limits; the terms and conditions of this biological opinion including speed limits; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, etc.; and reporting procedures to be implemented in case of desert tortoise encounters or noncompliance with this biological opinion.
8. Tortoises discovered to be in imminent danger during projects or activities covered under this biological opinion, may be moved out of harm's way.
9. Desert tortoises shall be treated in a manner to ensure they do not overheat, exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises will be kept shaded at all times until it is safe to release them. No desert tortoise will be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95°F. Ambient air temperature will be measured in the shade, protected from wind, at a height of two inches above the ground surface. No desert tortoise will be captured if the ambient air temperature is anticipated to exceed 95°F before handling and relocation can be completed. If the ambient air temperature exceeds 95°F during handling or processing, desert tortoises will be kept shaded in an environment that does not exceed 95°F and the animals will not be released until ambient air temperature declines to below 95°F.
10. Desert tortoises shall be handled by qualified individuals. For most projects, an authorized desert tortoise biologist will be onsite during project activities within desert tortoise habitat. Biologists, monitors, or anyone responsible for conducting monitoring or desert tortoise field activities associated with the project will complete the Qualifications Form (Appendix D) and submit it to the USFWS for review and approval as appropriate. The USFWS should be allowed 30 days for review and response.

11. A litter-control program shall be implemented to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from project areas to the trash receptacles following the close of each work day, and the proper disposal of trash in a designated solid waste disposal facility. Appropriate precautions must be taken to prevent litter from blowing out along the road when trash is removed from the site. The litter-control program will apply to all actions. A litter-control program will be implemented by the responsible federal agency or their contractor, to minimize predation on tortoises by ravens and other predators drawn to the project site.

The following terms and conditions, also from the *Programmatic Biological Opinion* (RMP 7; pp. 138-140), would be included in the term grazing permits to minimize incidental take of desert tortoises that may result from permitting livestock grazing:

12. Livestock grazing may continue in desert tortoise habitat under the previous conditions established under the Caliente Management Framework Plan (MFP) Amendment until such time the term permit come up for renewal based on the existing permit expiration dates. Those allotments or portion of allotments in desert tortoise critical habitat will be a priority for review and issuance of term permit. During this interim period for grazing within desert tortoise habitat outside the Mormon Mesa, Kane Springs, and Beaver Dam Slope ACECs: Livestock use may occur from March 1 to October 31, as long as forage utilization management levels are monitored and do not exceed 40% on key perennial grasses, shrubs and perennial forbs; and between November 1 and February 28/29, provided forage utilization management levels are monitored and do not exceed 50% on key perennial grasses and 45% on key shrubs and perennial forbs. If the utilization management levels are reached, livestock will be moved to another location within the allotment or taken entirely off the allotment. No livestock grazing will occur in desert tortoise critical habitat March 1 through October 31.
13. Livestock grazing in desert tortoise habitat shall be managed in accordance with the most current version of the Desert Tortoise Recovery Plan, including allotments or portions of allotments that become vacant and occur within desert tortoise critical habitat outside of ACECs. Grazing may continue in currently active allotments until such time they become vacant. BLM will work with the permittees of active allotments to implement changes in grazing management to improve desert tortoise habitat which may include use of water, salt and mineral licks, or herding to move livestock; changes in season of use and/or stocking rates; installation of exclusionary fences; reconfiguring pasture or allotment boundaries; and retiring pastures or allotments.
14. When BLM proposes to issue a term permit or other type of grazing authorization, BLM shall provide the following to the USFWS with their request to append the action to this biological opinion:
 - An allotment-level assessment of current conditions (relative to listed species habitat); if unknown, a description of, and timeframe for actions BLM will implement to collect such information;
 - a plan and schedule for monitoring listed species habitat on the allotment;

- a description of the grazing system and how it will minimize conflicts with listed species habitat;
 - proposed actions or remedies (e.g., reduce utilization levels, reduce AUMs, limit season-of-use) if listed species habitat has not attained the goals for the allotment; and
 - other information requested by the USFWS that is necessary to conclude activity-level consultation.
15. BLM and USFWS will cooperatively develop livestock grazing utilization levels or other thresholds, as appropriate for each of the listed species. These levels or thresholds shall be incorporated into each of the allotment term permit for those allotments that overlap with habitat for the listed species.
 16. The permittee shall be required to take immediate action to remove any livestock that move into areas unavailable for grazing. If straying of livestock becomes problematic, BLM, in consultation with the USFWS, will take measures to ensure straying is prevented.
 17. All vehicle use in listed species habitat associated with livestock grazing, with the exception of range improvements, shall be restricted to existing roads and trails. Permittees and associated workers will comply with posted speed limits on access roads. No new access roads will be created.
 18. Use of hay or grains as a feeding supplement shall be prohibited within grazing allotments. Where mineral and salt blocks are deemed necessary for livestock grazing management they will be placed in previously disturbed areas at least one half mile from riparian areas wherever possible to minimize impacts to flycatchers and listed fishes and their habitat. In some cases, blocks may be placed in areas that have a net benefit to tortoise by distributing livestock more evenly throughout the allotment, and minimizing concentrations of livestock that result in habitat damage. Water haul sites will also be placed at least one half mile from riparian areas.
 19. Site visits shall be made to active allotments by BLM rangeland specialists and other qualified personnel, including USFWS biologists, to ensure compliance with the terms and conditions of the grazing permit. Any item in non-compliance will be rectified by BLM and permittee, and reported to the USFWS.
 20. Livestock levels shall be adjusted to reflect significant, unusual conditions that result in a dramatic change in range conditions (e.g., drought and fire) and negatively impact the ability of the allotment to support both listed species and cattle.

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APPENDIX A

(Standards Determination Document)

DATA SUMMARY

1. Key Areas and Ecological Sites

A key area is a relatively small portion of a pasture or allotment selected because of its location, use, or grazing value as a monitoring point for grazing use. It is assumed that key areas, if properly selected, will reflect the current grazing management over the pasture or allotment as a whole (NRCS 1997). Key areas represent range conditions, trends, seasonal degrees of use, and resource production and values. Tables 8-10 depict key areas within the Garden Spring, White Rock and Summit Spring Allotments as well as the ecological site associated with the key area and dominate soils of each site. The maps in Appendix B show key area locations in the Garden Spring, White Rock and Summit Spring Allotments as well as range improvements, burn areas, etc.

An ecological site is a distinctive area with specific physical characteristics that differs from other surrounding land in its ability to support specific types and amounts of vegetation (NRCS 1997). Ecological Site Descriptions (ESD) are used for inventory, evaluation, and management of native vegetation communities. The ecological site of a key area is determined based on several factors including soils, topography, and plant community.

Table 1. Garden Spring Allotment Key Areas and Ecological Sites

Key Area/Transect ID	Soil Type	Ecological Site
KA-3	Mormount-Canutio association	Shallow Gravelly Loam 5-7 PZ R030XB029NV
KA-4*	Mormount very gravelly sandy loam 2-10% slopes	Shallow Gravelly Loam 5-7 PZ R030XB029NV
KA-5*	Aymate-Canutio association	Claypan 5-7 PZ R030XB043NV
Transect A	Rapado-Oleman association	Shallow Gravelly Loam 8-10 PZ R029XY077NV
Transect B	Rapado-Oleman association	Shallow Gravelly Loam 8-10 PZ R029XY077NV
Transect C	Mormount-Canutio association	Shallow Gravelly Loam 5-7 PZ R030XB029NV
Transect D	Aymate-Canutio association	Claypan 5-7 PZ R030XB043NV
Transect E	Mormount-Canutio association	Shallow Gravelly Loam 5-7 PZ R030XB029NV
Transect F	Mormount very gravelly sandy loam 2-10% slopes	Shallow Gravelly Loam 5-7 PZ R030XB029NV
Transect G	Rapado-Oleman association	Shallow Gravelly Loam 8-10 PZ R029XY077NV
Transect H	Rapado-Oleman association	Shallow Gravelly Loam 8-10 PZ R029XY077NV

*Note: This is not a Key Area. It was mislabeled and is a supplemental study site chosen to represent this soil type.

Table 2. White Rock Allotment Key Areas and Ecological Sites

Key Area/Transect ID	Soil Type	Ecological Site
KA-1	Aymate-Canutio association	Claypan 5-7 PZ R030XB043NV
KA-3	Aymate sandy loam 0-2% slopes	Sandy Loam 5-7 PZ R030XB035NV
KA-4*	Mormount-Canutio association	Shallow Gravelly Loam 5-7 PZ R030XB029NV
KA-5*	Mormount very gravelly sandy loam 2-10% slopes	Shallow Gravelly Loam 5-7 PZ R030XB029NV
KA-6*	Zeheme-Kanesprings-Rock Outcrop association	Shallow Limestone Slope 5-7P R030XB030NV
KA-7*	Geta-Arizo association	Sandy Plain 5-7 PZ R030XB034NV
Transect A	Rapado-Oleman association	Shallow Gravelly Loam 8-10 PZ R029XY077NV
Transect B	Kanesprings-Kanackey-Rock Outcrop association	Shallow Gravelly Loam 5-7 PZ R030XB029NV
Transect C	Aymate sandy loam 0-2% slopes	Sandy Loam 5-7 PZ R030XB035NV
Transect D	Aymate sandy loam 0-2% slopes	Sandy Loam 5-7 PZ R030XB035NV
Transect E	Aymate-Canutio association	Claypan 5-7 PZ R030XB043NV

*Note: This is not a Key Area. It was mislabeled and is a supplemental study site chosen to represent this soil type.

Table 3. Summit Spring Allotment Key Areas and Ecological Sites

Key Area/Transect ID	Soil Type	Ecological Site(s)
KA-3*	St. Thomas-Zeheme-Rock Outcrop association	Limy Hill 5-7 PZ R030XB001NV
KA-4*	St. Thomas-Zeheme-Rock Outcrop association	Limy Hill 5-7 PZ R030XB001NV
KA-5*	Shankba-Chinkle-Kanackey association	Shallow Gravelly Loam 5-7 PZ R030XB029NV

*Note: This is not a Key Area. It was mislabeled and is a supplemental study site chosen to represent this soil type.

2. Utilization

Utilization is the estimation of the proportion of annual production consumed or destroyed by animals (Swanson 2006). The general utilization objective for all allotments in the Ely BLM District according to the Ely District Record of Decision and Approved Resource Management Plan RMP (2008) is to “Manage livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health” (Ely RMP - 2008, p. 85). The Nevada Rangeland Monitoring Handbook gives guidelines to determine the proper use levels by plant category (grasses, forbs, and shrubs) and by grazing season (spring, summer, fall, winter, year-long). Proper use levels for all allotments are also implied by the Standards and Guidelines for Rangeland Health and Grazing Administration (February 1997).

Key forage plant utilization method was used to collect utilization data. A summary of the site locations and respective use levels is shown below in Table 4. Utilization for all herbivores was slight to moderate across all allotments.

Table 4. Key Forage Plant Utilization on the Garden Spring, White Rock and Summit Spring Allotments				
Allotment	Study Area	Key Forage plant	Key Forage plant	Key Forage plant
Garden Spring	KA-1/KA-4	Forage Species Not Present		
	KA-2/KA-5/Transect D	Big Galleta 41%	Nevada Ephedra 30%	
	KA-3	Forage Species Not Present		
White Rock	KA-1	Big Galleta 47%	Nevada Ephedra 36%	
	KA-3	Big Galleta 37%	Nevada Ephedra 50%	Sand Dropseed 4%
	KA-4*	Big Galleta 51%	Nevada Ephedra 38%	
	KA-5*	Forage Species Not Present		
	KA-6*	Big Galleta 4%	Nevada Ephedra 10%	Indian Ricegrass 25%
	KA-7*	Forage Species Not Present		
Summit Spring	KA-1/KA-3	Big Galleta 2%	Nevada Ephedra 4%	
	KA-2/KA-4	Big Galleta 18%	Nevada Ephedra 4%	Indian Ricegrass 0%
	KA-5*	Big Galleta 3%	Nevada Ephedra 1%	Indian Ricegrass 0%
*Note: This is not a Key Area. It was mis-labeled and is a supplemental study site chosen to represent the respective soil type.				

3. Cover Studies

Line Intercept Method -

Canopy cover is the percent of ground covered by a vertical projection of the outermost perimeter of the natural spread of foliage, including small openings (Swanson 2006). The Line Intercept Method is a commonly used method of determining the relative percent of live foliar or canopy cover of a range site by plant class (tree, shrub, grass, forb or annual). The method also estimates the percent of live foliar cover by plant species. The results are then compared to the appropriate cover for each ecological site as indicated by the Rangeland Ecological Site Descriptions (ESD). Results are also compared to general known healthy rangelands.

Line-Point Intercept Method -

Line-point intercept is a rapid, accurate method for quantifying soil cover, including vegetation, litter, rocks and biotic crusts. These measurements are related to wind and water erosion, water infiltration and the ability of the site to resist and recover from degradation (Herrick et al 2005). The results from this cover study are compared to the appropriate cover for each ecological site as indicated by the Natural Resources Conservation Service (NRCS) Rangeland Ecological Site Descriptions (ESD). Results are also compared to general known healthy rangelands.

Line-point intercept usually only detects those species that represent a relatively high proportion of the total cover. Species with <5% cover on a site are often not detected with line-point intercept method, or are often underestimated (Herrick et al. 2009).

Total cover calculated by using the Line-Point Intercept method is the proportion of the soil surface that is covered by vascular plant parts, litter, rocks, mosses and lichens. Total cover is positively correlated with soil and site stability and hydrologic function.

Basal and Foliar cover estimates calculated by using the Line-Point Intercept method is an indicator of biotic integrity. It is more closely related to production, energy flow and nutrient cycling (Herrick et al. 2009) than total cover estimates. Biotic integrity reflects the capacity of a site to support characteristic functional and structural communities in the context of normal variability; to resist loss of this function and structure due to a disturbance; and to recover following disturbance. Dead and decadent vegetation contribute positively to foliar cover protection of the soil surface. (Herrick et al. 2009)

Line Intercept and Line-Point Intercept cover studies were conducted in 2009 at 25 study sites on the Garden Spring, White Rock and Summit Spring Allotments. Tables 5, 6, and 7 below summarize cover data collected as well as ESD expected values.

Table 5. Garden Spring Allotment Cover and Composition

Key Area/ Transect ID	Expected ^											Actual						
	Total % Cover	% Composition			Total % Cover	% Composition			Total % Veg. Cover	% Litter Cover	% Rock Cover	% Composition						
		Grass	Forb	Shrub		Grass	Forb	Shrub				Grass	Forb	Shrub				
KA-3	15-30	10	5	85	10.8	0.5	8.1	91.8	15	22	35	0	40	60				
KA-4*	15-30	10	5	85	21.5	0.0	0.0	99.8	24	31	35	0	0	100				
KA-5*	10-20	60	10	30	14	1.5	5.7	94.6	17	36	4	0	29	76				
Transect A	25-35	15	5	80	26.4	47.3	3.6	49.1	49	65	28	51	10	37				
Transect B	25-35	15	5	80	14.1	0.0	3.2	96.5	17	34	31	0	12	88				
Transect C	15-30	10	5	85	29.4	0.0	0.0	100.0	21	19	32	0	0	100				
Transect D	10-20	60	10	30	4.9	13.3	0.0	85.7	5	24	26	0	0	100				
Transect E	15-30	10	5	85	35.8	0.0	0.0	99.9	29	32	23	0	0	100				
Transect F	15-30	10	5	85	46.2	0.0	0.0	100.0	57	51	18	0	0	100				
Transect G	25-35	15	5	80	6.3	0.0	0.0	100.0	7	38	7	0	0	100				
Transect H	25-35	15	5	80	5.8	22.4	47.4	30.2	10	37	51	30	40	30				

^From NRCS Ecological Site Description

*Note: This is not a Key Area. It was mis-labeled and is a supplemental study site chosen to represent the respective soil type.

Table 6. White Rock Allotment Cover and Composition

Key Area/ Transect ID	Expected [^]						Actual							
	Total % Cover	% Composition			Total % Cover	% Composition			Total % Veg. Cover	% Litter Cover	% Rock Cover	% Composition		
		Grass	Forb	Shrub		Grass	Forb	Shrub				Grass	Forb	Shrub
KA-1	10-20	60	10	30	5.7	4.4	0.0	94.7	4	34	35	0	0	100
KA-3	25-35	35	10	55	11	1.4	0.0	98.4	17	42	30	6	6	76
KA-4*	15-30	10	5	85	13.5	0.4	0.0	99.8	23	15	33	0	21	79
KA-5*	15-30	10	5	85	19	0.0	0.8	98.9	24	40	29	0	8	92
KA-6*	10-15	10	5	85	23.5	0.0	0.0	99.8	31	36	29	0	0	100
KA-7*	5-10	25	10	65	10.5	0.9	0.2	98.6	23	30	16	0	43	35
Transect A	25-35	15	5	80	2.3	34.8	65.2	0.0	1	23	29	0	0	100
Transect B	15-30	10	5	85	4.4	20.5	27.3	52.3	5	8	30	40	40	20
Transect C	25-35	35	10	55	17.9	0.0	0.0	99.7	14	16	15	0	0	100
Transect D	25-35	35	10	55	21.6	17.8	4.2	86.1	16	27	20	19	6	75
Transect E	10-20	60	10	30	11.5	66.5	0.0	33.5	14	26	55	71	0	29

[^]From NRCS Ecological Site Description

*Note: This is not a Key Area. It was mis-labeled and is a supplemental study site chosen to represent the respective soil type.

Table 7. Summit Spring Allotment Cover and Composition

Key Area/ Transect ID	Expected ^						Actual							
	Total % Cover	% Composition			Total % Cover	% Composition			Total % Litter	% Composition				
		Grass	Forb	Shrub		Grass	Forb	Shrub		Grass	Forb	Shrub		
KA-3*	10-15	10	5	85	18.5	0	3	97	21	25	14	0	0	100
KA-4*	10-15	10	5	85	38.3	0	0	100	51	41	12	0	0	100
KA-5*	5-10	10	10	80	29	2	2	96	33	17	39	3	6	94

^From NRCS Ecological Site Description

*Note: This is not a Key Area. It was mis-labeled and is a supplemental study site chosen to represent the respective soil type.

4. Ecological Condition

Ecological site descriptions (ESDs) are reports that describe the a) biophysical properties of ecological sites, b) vegetation and surface soil properties of reference conditions that represent either i) pre-European vegetation and historical range of variation (in the United States) or ii) proper functioning condition or potential natural vegetation, c) state-and-transition model graphics and text, and d) a description of ecosystem services provided by the ecological site and other interpretations.

Table 8. Garden Spring Allotment Ecological Site Description and Actual Vegetation Types					
Key Area/ Transect ID	Ecological Site	Expected		Actual	
		NRCS Ecological Site Description		Vegetation Type (Most to Least Abundant)	Fire Status
		Vegetation Type			
KA-3	Shallow Gravelly Loam 5-7 PZ R030XB029NV	Blackbrush Creosote - Big Galleta Indian Ricegrass Desert Needlegrass	Blackbrush Creosote - Big Galleta Indian Ricegrass Desert Needlegrass	yucca, cholla, Nevada ephedra, blackbrush, globemallow, 4 o'clock, desert rue, <i>Eriogonum</i> spp., spiny hopsage, Joshua tree, purple threeawn, red brome, redstem filaree, unknown yellow composite forb, rabbitbrush, Indian ricegrass, tansy mustard, snakeweed, phlox, desert needlegrass	Prescribed (~50ya)
KA-4*	Shallow Gravelly Loam 5-7 PZ R030XB029NV	Blackbrush Creosote - Big Galleta Indian Ricegrass Desert Needlegrass	Blackbrush Creosote - Big Galleta Indian Ricegrass Desert Needlegrass	Blackbrush, Nevada ephedra, creosote, Joshua tree, big galleta, desert rue, showy goldenhead, redstem filaree, red brome, schismus, desert almond, cholla, biological crust	Unburned
KA-5*	Claypan 5-7 PZ R030XB043NV	Creosote Winterfat Spiny Hopsage White Bursage Nevada Ephedra Range Ratany - Big Galleta	Creosote Winterfat Spiny Hopsage White Bursage Nevada Ephedra Range Ratany - Big Galleta	bursage, creosote, Joshua tree, range ratany, big galleta, showy goldenhead, spiny hopsage, wolfberry, cholla, Nevada ephedra, <i>Eriogonum</i> spp., redstem filaree, red brome, schismus	Unburned

Transect A	Shallow Gravelly Loam 8-10 PZ R029XY077NV	Bush Muhly Indian Ricegrass Blackbrush Desert Bitterbrush Nevada Ephedra - Desert Needlegrass	Purple threeawn, yerba santa, rabbitbrush, globemallow, desert bitterbrush, unknown perennial grass, yucca, cheatgrass, cactus, redstem filaree, several species of senesced forbs	Burned (1999&2005)
Transect B	Shallow Gravelly Loam 8-10 PZ R029XY077NV	Blackbrush Desert Bitterbrush Nevada Ephedra - Desert Needlegrass	desert bitterbrush, desert rue, Nevada ephedra, redstem filaree, globemallow, cheatgrass, purple threeawn, Douglas and rubber rabbitbrush, blackbrush seedlings, yucca, fluffgrass, crested wheatgrass, red brome	Burned 1999
Transect C	Shallow Gravelly Loam 5-7 PZ R030XB029NV	Blackbrush Creosote - Big Galleta Indian Ricegrass Desert Needlegrass	blackbrush, creosote, Nevada ephedra, bursage, Joshua tree, red brome, big galleta, fluffgrass, redstem filaree, yucca	Unburned
Transect D	Claypan 5-7 PZ R030XB043NV	Creosote Winterfat Spiny Hopsage White Bursage Nevada Ephedra Range Ratany - Big Galleta Bush Muhly Indian Ricegrass	creosote, range ratany, big galleta, Joshua tree, <i>Eriogonum</i> spp., redstem filaree, cholla, red brome	Unburned
Transect E	Shallow Gravelly Loam 5-7 PZ R030XB029NV	Blackbrush Creosote - Big Galleta Indian Ricegrass Desert Needlegrass	blackbrush, creosote, Joshua tree, desert rue, redstem filaree, schismus, red brome, Nevada ephedra	Unburned
Transect F	Shallow Gravelly	Blackbrush	blackbrush, Nevada ephedra, yucca, red brome,	Unburned

	Loam 5-7 PZ R030XB029NV	Creosote - Big Galleta Indian Ricegrass Desert Needlegrass	redstem filaree, cheatgrass, Joshua tree, desert rue, cholla, cactus, creosote, biological crust	
Transect G	Shallow Gravelly Loam 8-10 PZ R029XY077NV	Blackbrush Desert Bitterbrush Nevada Ephedra - Desert Needlegrass	desert bitterbrush, globemallow, yucca, desert rue, redstem filaree, cheatgrass, fluffgrass, unknown forb, purple threecawn, Joshua tree, Nevada ephedra	Burned 2005
Transect H	Shallow Gravelly Loam 8-10 PZ R029XY077NV	Blackbrush Desert Bitterbrush Nevada Ephedra - Desert Needlegrass	rabbitbrush, globemallow, Nevada ephedra, redstem filaree, yucca, purple threecawn, Joshua tree, red brome, cheatgrass, fluffgrass, desert rue, unknown forb, <i>Eriogonum</i> spp., unknown forb, unknown forb	Burned 2005

*Note: This is not a Key Area. It was mis-labeled and is a supplemental study site chosen to represent this soil type.

Table 9. White Rock Allotment Ecological Site Description and Actual Vegetation Types

Key Area/ Transect ID	Ecological Site	Expected		Actual	
		NRCS Ecological Site Description		Vegetation Type	Fire Status
		Vegetation Type			
KA-1	Claypan 5-7 PZ R030XB043NV	Creosote Winterfat Spiny Hopsage White Bursage Nevada Ephedra Range Ratany - Big Galleta Bush Muhly Indian Ricegrass	Creosote, red brome, redstem filaree, gilia, Joshua tree, <i>Eriogonum</i> spp., winterfat, globemallow, range ratany, desert almond, snakeweed, Nevada ephedra, big galleta, Indian ricegrass, stickseed, desert almond, cholla, showy goldenhead, spiny hopsage	Unburned	
KA-3	Sandy Loam 5-7 PZ R030XB035NV	Fourwing Saltbush Spiny Hopsage Winterfat Wolfberry Nevada Ephedra - Big Galleta Indian Ricegrass Dropseed Bush Muhly	redstem filaree, <i>Eriogonum</i> spp., red brome, creosote, range ratany, fourwing saltbush, big galleta, Joshua tree, desert rue, showy goldenhead, cholla, purple threawn, desert marigold, sand dropseed, biological crust	Unburned	
KA-4*	Shallow Gravelly Loam 5-7 PZ R030XB029NV	Blackbrush Creosote - Big Galleta Indian Ricegrass Desert Needlegrass	blackbrush, range ratany, Nevada ephedra, redstem filaree, creosote, <i>Eriogonum</i> spp., showy goldenhead, spiny hopsage, winterfat, Joshua tree, stickseed, desert rue, globemallow, Indian ricegrass, red brome, schismus, big galleta	Unburned	
KA-5*	Shallow Gravelly Loam 5-7 PZ R030XB029NV	Blackbrush Creosote - Big Galleta	creosote, Joshua tree, blackbrush, aster, redstem filaree, showy goldenhead, globemallow, Nevada ephedra, biological crust	Unburned	

KA-6*	Shallow Limestone Slope 5-7P R030XB030NV	Indian Ricegrass Desert Needlegrass Blackbrush Creosote Ephedra - Desert Needlegrass Big Galleta Shrubs - Big Galleta Bush Muhly Indian Ricegrass Dropseed	blackbrush, creosote, Joshua tree, spiny hopsage, desert rue, range ratany, desert marigold, globemallow, Indian ricegrass, red brome, redstem filaree, Nevada ephedra, <i>Eriogonum</i> spp., cholla, cactus, phlox, stickseed, winterfat, unknown red flower forb, unknown yellow flower forb, biological crust	Unburned
KA-7*	Sandy Plain 5-7 PZ R030XB034NV	Shrubs - Big Galleta Bush Muhly Indian Ricegrass Dropseed	creosote, <i>Eriogonum</i> spp., redstem filaree, schismus, red brome	Unburned
Transect A	Shallow Gravelly Loam 8-10 PZ R029XY077NV	Blackbrush Desert Bitterbrush Nevada Ephedra - Desert Needlegrass	purple threeawn, sand dropseed, yucca, redstem filaree, globemallow, blackbrush, paper bag bush, Russian thistle, Joshua tree, cheatgrass, red brome, creosote, galleta, fluffgrass, showy goldenhead, desert rue, cactus, cholla, schismus, desert marigold, penstemon, desert almond, fourwing saltbush	Burned 2005
Transect B	Shallow Gravelly Loam 5-7 PZ R030XB029NV	Blackbrush Creosote - Big Galleta Indian Ricegrass Desert Needlegrass	creosote, Joshua tree, big galleta, red brome, globemallow, desert marigold, redstem filaree, Nevada ephedra, schismus, <i>Eriogonum</i> spp., Russian thistle, blackbrush, fluffgrass, rabbitbrush, yucca, cholla	Burned 2005
Transect C	Sandy Loam 5-7 PZ R030XB035NV	Fourwing Saltbush Spiny Hopsage Winterfat Wolfberry Nevada Ephedra - Big Galleta Indian Ricegrass Dropseed Bush Muhly	blackbrush, desert rue, cholla, Joshua tree, range ratany, redstem filaree, red brome, yucca (2 spp.), creosote, Nevada ephedra, unknown forb, <i>Eriogonum</i> spp., showy goldenhead, biological crust	Unburned
Transect D	Sandy Loam 5-7 PZ R030XB035NV	Fourwing Saltbush Spiny Hopsage Winterfat Wolfberry	big galleta, desert rue, Joshua tree, cholla, <i>Eriogonum</i> spp., red brome, redstem filaree, creosote, range ratany, showy goldenhead, bursage, wolfberry, globemallow, Nevada ephedra	Unburned

Transect E	Claypan 5-7 PZ R030XB043NV	Nevada Ephedra - Big Galleta Indian Ricegrass Dropseed Bush Muhly Creosote Winterfat Spiny Hopsage White Bursage Nevada Ephedra Range Ratany - Big Galleta Bush Muhly Indian Ricegrass	big galleta, Joshua tree, creosote, cholla, desert almond, bursage, yucca, Nevada ephedra, red brome, redstem filaree	Unburned
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*Note: This is not a Key Area. It was mis-labeled and is a supplemental study site chosen to represent this soil type.

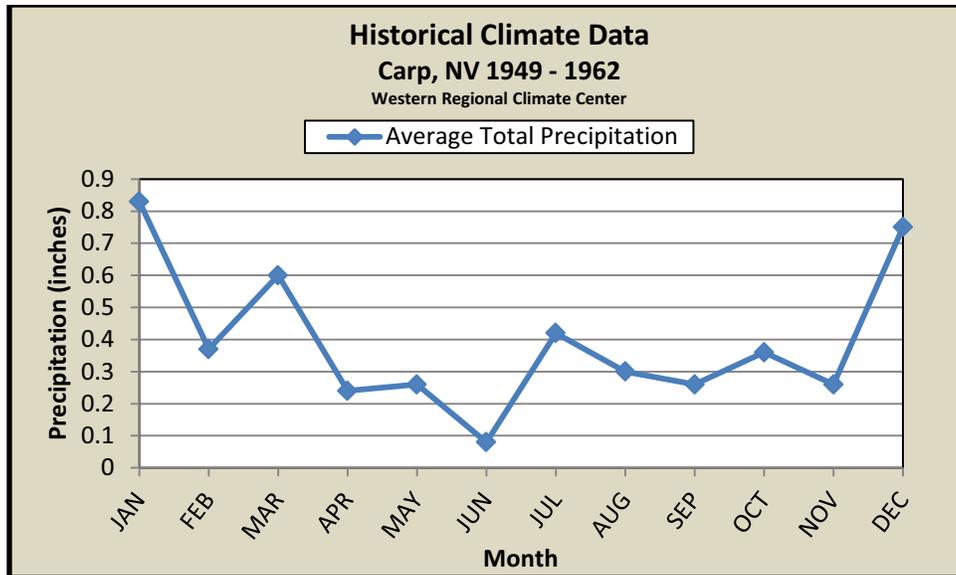
Table 10. Summit Spring Allotment Ecological Site Descriptions and Actual Vegetation Types

Key Area/ Transect ID	Ecological Site	Expected		Actual	
		NRCs Ecological Site Description		Vegetation Type	Fire Status
		Vegetation Type			
KA-3*	Limy Hill 5-7 PZ R030XB001NV	White Bursage 50-60% Creosote 5-20% Range Ratany 2-8% Fremont's Dalea 1-3% Desert Pepperweed T-5% - Fluffgrass T-5% Big Galleta T-8%	blackbrush, Nevada ephedra, Joshua tree, showy goldenhead, snakeweed, creosote, globemallow, cholla, spiny hopsage, red brome, redstem filaree, big galleta, biological crust	Unburned	
KA-4*	Limy Hill 5-7 PZ R030XB001NV	White Bursage 50-60% Creosote 5-20% Range Ratany 2-8% Fremont's Dalea 1-3% Desert Pepperweed T-5% - Fluffgrass T-5% Big Galleta T-8%	blackbrush, Nevada ephedra, winterfat, spiny hopsage, creosote, Joshua tree, cholla, big galleta, Indian ricegrass, red brome redstem filaree, biological crust	Unburned	
KA-5*	Shallow Gravelly Loam 5-7 PZ R030XB029NV	Blackbrush 60-70% Creosote 2-5% - Big Galleta 2-15% Indian Ricegrass T-8% Desert Needlegrass T-8%	bursage, range ratany, globemallow, snakeweed, Nevada ephedra, blackbrush, creosote, Joshua tree, showy goldenhead, big galleta, Indian ricegrass, <i>Eriogonum</i> spp., cholla	Unburned	

*Note: This is not a Key Area. It was mis-labeled and is a supplemental study site chosen to represent this soil type.

5. Precipitation Data

Annual precipitation greatly influences growing condition of forage species and is often correlated to available forage. Historical climate data from the Western Regional Climate Center at the Carp, Nevada (WRCC 2010) weather station is representative of the annual precipitation on the Garden Spring, White Rock and Summit Spring Allotments. The graph below summarizes annual precipitation data collected from 1949 to 1962. The 13 year mean annual precipitation for this station was 4.72 inches.



Lentic Checklist

Name of Riparian-Wetland Area:	Garden Springs (Garden Spring Allotment)
Date: 6/2/2010 6/2/2010	Segment/Reach ID:
ID Team Observers:	Heather Richter, Marc Aversa, Andy Daniels, Michelle Oliver, Caitlyn Carter

Potential: Grass Dominated Moist Meadow w/ shrubs

Capability: lotic-like system

Yes	No	N/A	HYDROLOGICAL
X			1) Riparian-wetland area is saturated at or near the surface or inundated in "relatively frequent" events
X			2) Fluctuation of water levels is not excessive
X			3) Riparian-wetland area is enlarging or has achieved potential extent
X			4) Upland watershed is not contributing to riparian-wetland degradation
X			5) Water quality is sufficient to support riparian-wetland plants
	X		6) Natural surface or subsurface flow patterns are not altered by disturbance (i.e., hoof action, disks, dikes, trails, roads, rills, gullies, drilling activities)
		X	7) Structure accommodates safe passage of flows (e.g., no headcut affecting dam or spillway)

Yes	No	N/A	VEGETATION
X			8) There is diverse age-class distribution of riparian-wetland vegetation (recruitment for maintenance/recovery) Willows + Cottonwoods
X			9) There is diverse composition of riparian-wetland vegetation (for maintenance/recovery) [species present] Willow cottonwood corey Salix shrubs
X			10) Species present indicate maintenance of riparian-wetland soil moisture characteristics
X			11) Vegetation is comprised of those plants or plant communities that have root masses capable of withstanding wind events, wave flow events, or overland flows (e.g., storm events, snowmelt) [community type present]
X			12) Riparian-wetland plants exhibit high vigor
X			13) Adequate riparian-wetland vegetative cover present to protect shorelines/soil surface and dissipate energy during high wind and wave events or overland flows [enough?]

<input checked="" type="checkbox"/>			14) Frost or abnormal hydrologic heaving is not present
		<input checked="" type="checkbox"/>	15) Favorable microsite condition (i.e., woody material, water temperature, etc.) is maintained by adjacent site characteristics

Yes	No	N/A	EROSION/DEPOSITION
<input checked="" type="checkbox"/>			16) Accumulation of chemicals affecting plant productivity/composition is not apparent
<input checked="" type="checkbox"/>			17) Saturation of soils (i.e., ponding, flooding frequency, and duration) is sufficient to decompose and maintain hydric soils
<input checked="" type="checkbox"/>			18) Underlying geologic structure/soil material/permafrost is capable of restricting water percolation
<input checked="" type="checkbox"/>			19) Riparian-wetland is in balance with the water and sediment being supplied by the watershed (i.e., no excessive erosion or deposition)
		<input checked="" type="checkbox"/>	20) Islands and shoreline characteristics (i.e., rocks, coarse and/or large woody material) are adequate to dissipate wind and wave event energies

Remarks

Willow, Cottonwood, Cat tails, sedges, reed canary grass

SUMMARY DETERMINATION

Functional Rating <input checked="" type="checkbox"/> Proper Functioning Condition <input type="checkbox"/> Functional - At Risk <input type="checkbox"/> Nonfunctional <input type="checkbox"/> Unknown Trend for Functional - At Risk: <input type="checkbox"/> Upward <input type="checkbox"/> Downward <input type="checkbox"/> Not Apparent		Are factors contributing to unacceptable conditions outside the control of the manager? Yes No <input checked="" type="checkbox"/> If yes, what are those factors? <input type="checkbox"/> Flow regulations <input type="checkbox"/> Mining activities <input type="checkbox"/> Upstream channel conditions <input type="checkbox"/> Channelization <input type="checkbox"/> Road encroachment <input type="checkbox"/> Oil field water discharge <input type="checkbox"/> Augmented flows <input type="checkbox"/> Other (specify) _____
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(Revised 1998) (5/2/06)

PFC provide: dissipate energies associated with wind action, wave action, and overland flow from adjacent sites, thereby reducing erosion and improving water quality; filter sediment and silt floodplain development; improve flood-water retention and ground water recharge; develop root masses that stabilize islands and shoreline features against cutting action; and restrict water percolation.

Lotic Checklist

Name of Riparian-Wetland Area:	Box Spring	(Garden Spring Allotment)
Date:	6/2/2010	Segment/Reach ID:
ID Team Observers:	Heather Richter, Mark D'Aversa, Andy Daniels, Michelle Oliver, Caitlyn Carter	

Potential: Cottonwood/willow, sedge/rush stream system, sand/rock wash. Intermittent dry and moist wet reaches
Capability: Same as above.

Yes	No	N/A	HYDROLOGICAL
X	X		1) Floodplain above bankfull is inundated in "relatively frequent" events
		X	2) Where beaver dams are present are they active and stable
X	X		3) Sinuosity, width/depth ratio, and gradient are in balance with the landscape setting (i.e. landform, geology, and bioclimatic region)
X			4) Riparian-wetland area is widening or has achieved potential extent
X			5) Upland watershed is not contributing to riparian-wetland degradation

Yes	No	N/A	VEGETATION
X	X		6) Diverse age-class distribution of riparian-wetland vegetation (recruitment for maintenance/recovery) <i>old/young cottonwood, willow only young vegetative spp.</i>
X			7) Diverse composition of riparian-wetland vegetation (for maintenance/recovery) <i>2 sedge spp. cat-tails cottonwood willow</i> <i>(species present)</i>
X			8) Species present indicate maintenance of riparian wetland soil moisture characteristics
X			9) Streambank vegetation is comprised of those plants or plant communities that have root masses capable of withstanding high streamflow events <i>cottonwood willow sedge + rush</i> <i>(commonly types present)</i>
X			10) Riparian-wetland plants exhibit high vigor
X			11) Adequate riparian-wetland vegetative cover present to protect banks and dissipate energy during high flows <i>well established trees, large woody debris and meanders</i> <i>(conspic)</i>

X			12) Plant communities are an adequate source of coarse and/or large woody material (for maintenance/recovery)
---	--	--	---

Yes	No	N/A	EROSION DEPOSITION
X			12) Floodplain and channel characteristics (i.e., rocks, overflow channels, coarse and/or large woody material) adequate to dissipate energy
X			14) Point bars are revegetating with riparian-wetland vegetation
X			15) Lateral stream movement is associated with natural sinuosity
X			16) System is vertically stable <i>Stabilized by large rocks</i> (not downcutting)
	X		17) Stream is in balance with the water and sediment being supplied by the watershed (i.e., no excessive erosion or deposition)

This is a disconnected riparian system in a rocky/sandy wash. Some sub-surface ranges. Flashy system

Species present - Cottonwood, Sandbar willow, cat tails, 2 spp. Sedge, Rush, upland grasses
big sage, columbine, several forbs

Salt cedar present

Cattle, horse, wildlife use noticed

SUMMARY DETERMINATION

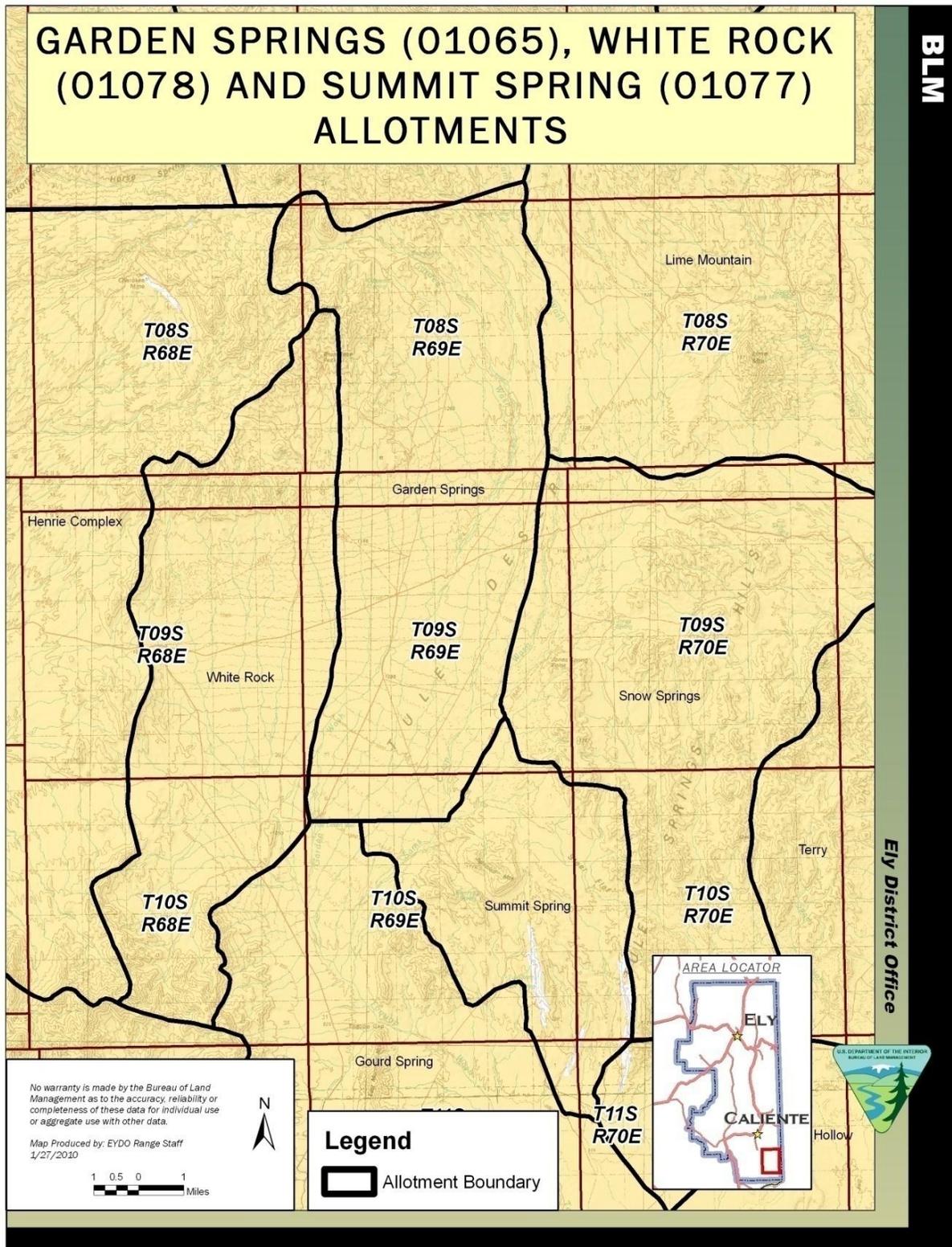
Functional Rating <input type="checkbox"/> Proper Functioning Condition <input checked="" type="checkbox"/> Functional - At Risk <input type="checkbox"/> Nonfunctional <input type="checkbox"/> Unknown Trend for Functional - At Risk: <input type="checkbox"/> Upward <i>Colonizers vs. stabilizers?</i> <input type="checkbox"/> Downward <input type="checkbox"/> Not Apparent		Are factors contributing to unacceptable conditions outside the control of the manager? Yes No <input checked="" type="checkbox"/> If yes, what are those factors? <input type="checkbox"/> Flow regulations <input type="checkbox"/> Mining activities <input type="checkbox"/> Upstream channel conditions <input type="checkbox"/> Channelization <input type="checkbox"/> Road encroachment <input type="checkbox"/> Oil field water discharge <input type="checkbox"/> Augmented flows <input type="checkbox"/> Other (specify)
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(Revised 1998) (5/2003)

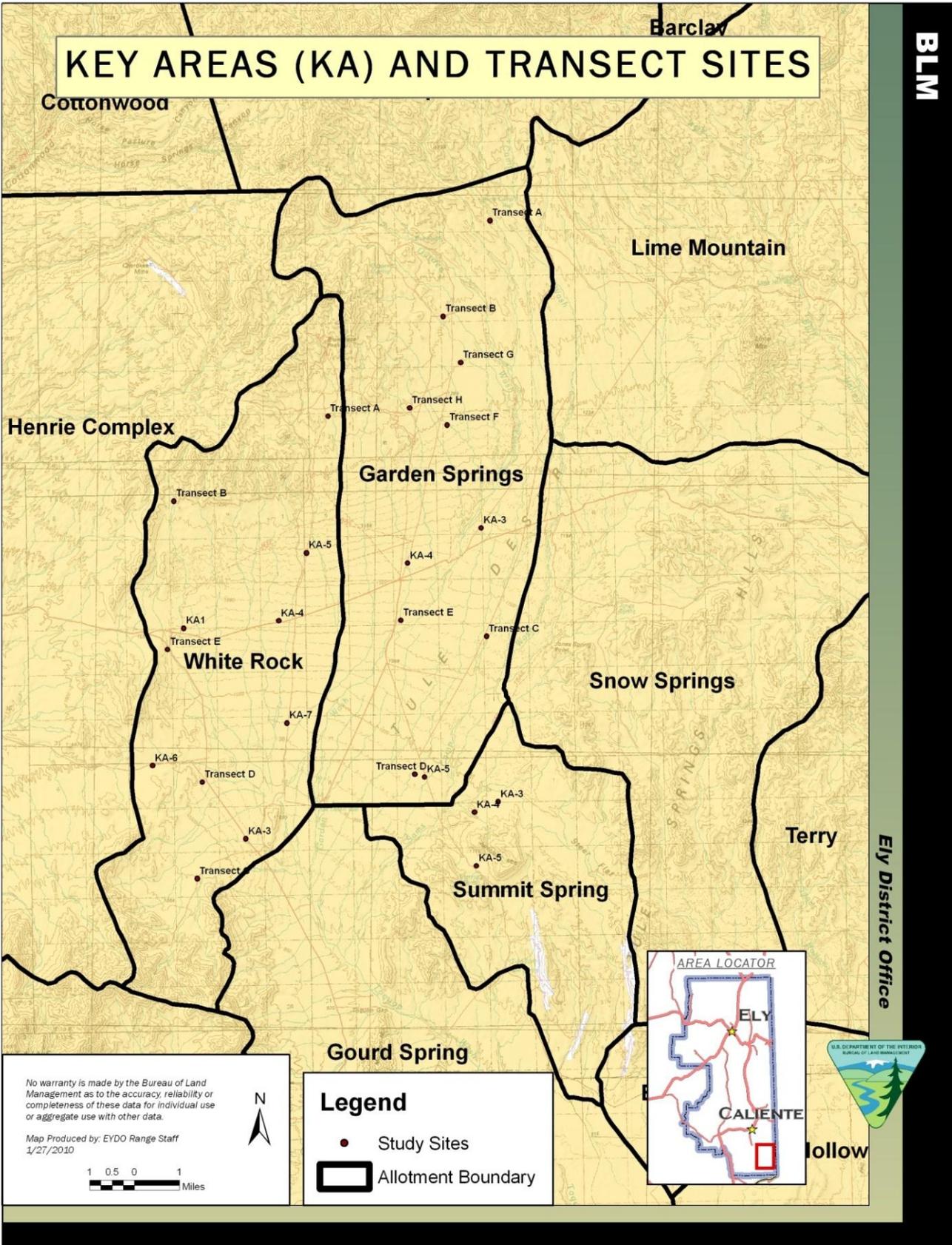
PFC will provide: dissipate stream energy associated with high water flows, thereby reducing erosion and improving water quality; filter sediment, capture bedload, and aid floodplain development; improve flood-water retention and ground water recharge; and develop root masses that stabilize streambanks against cutting action.

APPENDIX B
(Standards Determination Document)

MAPS



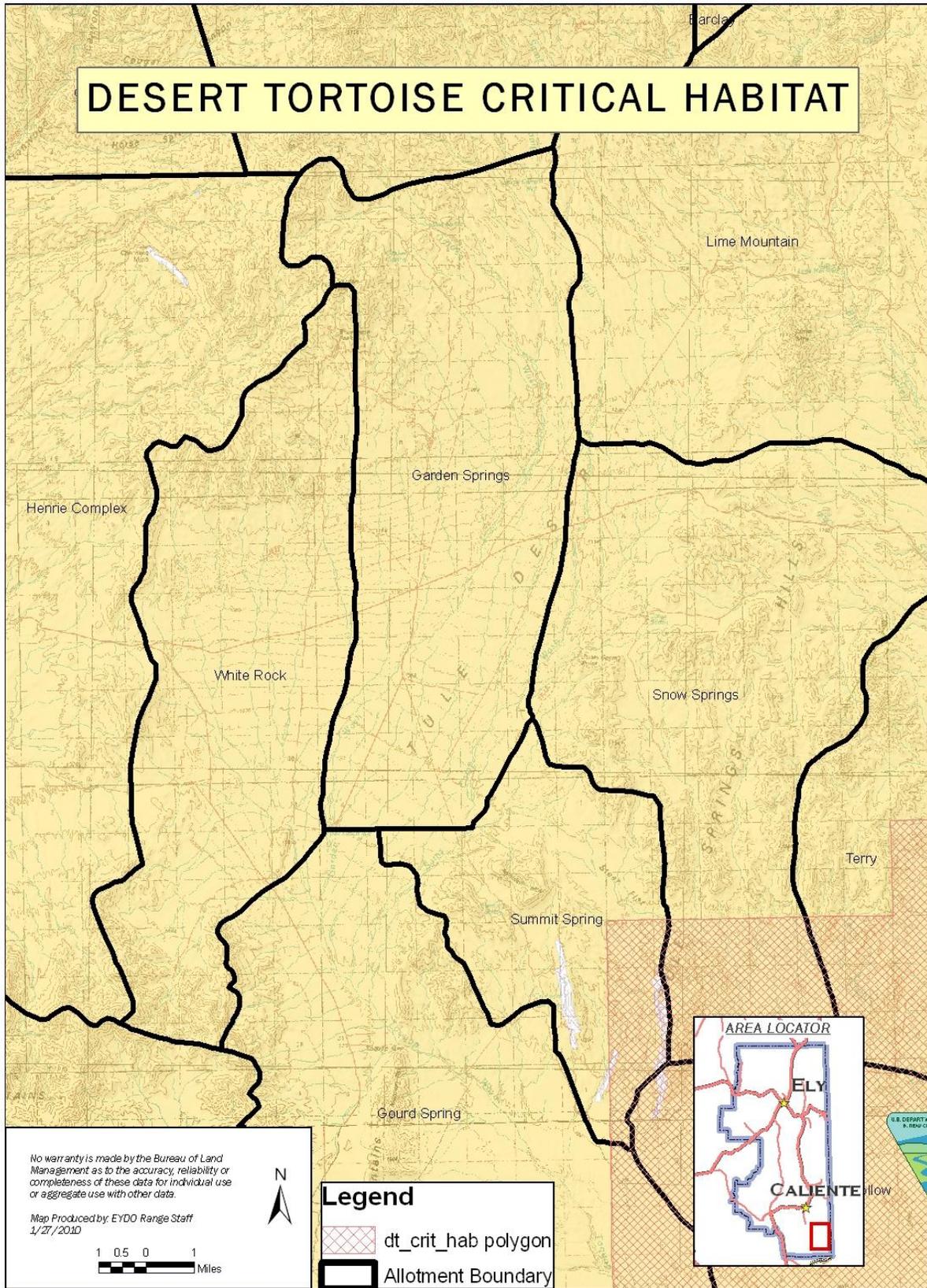
Map 1



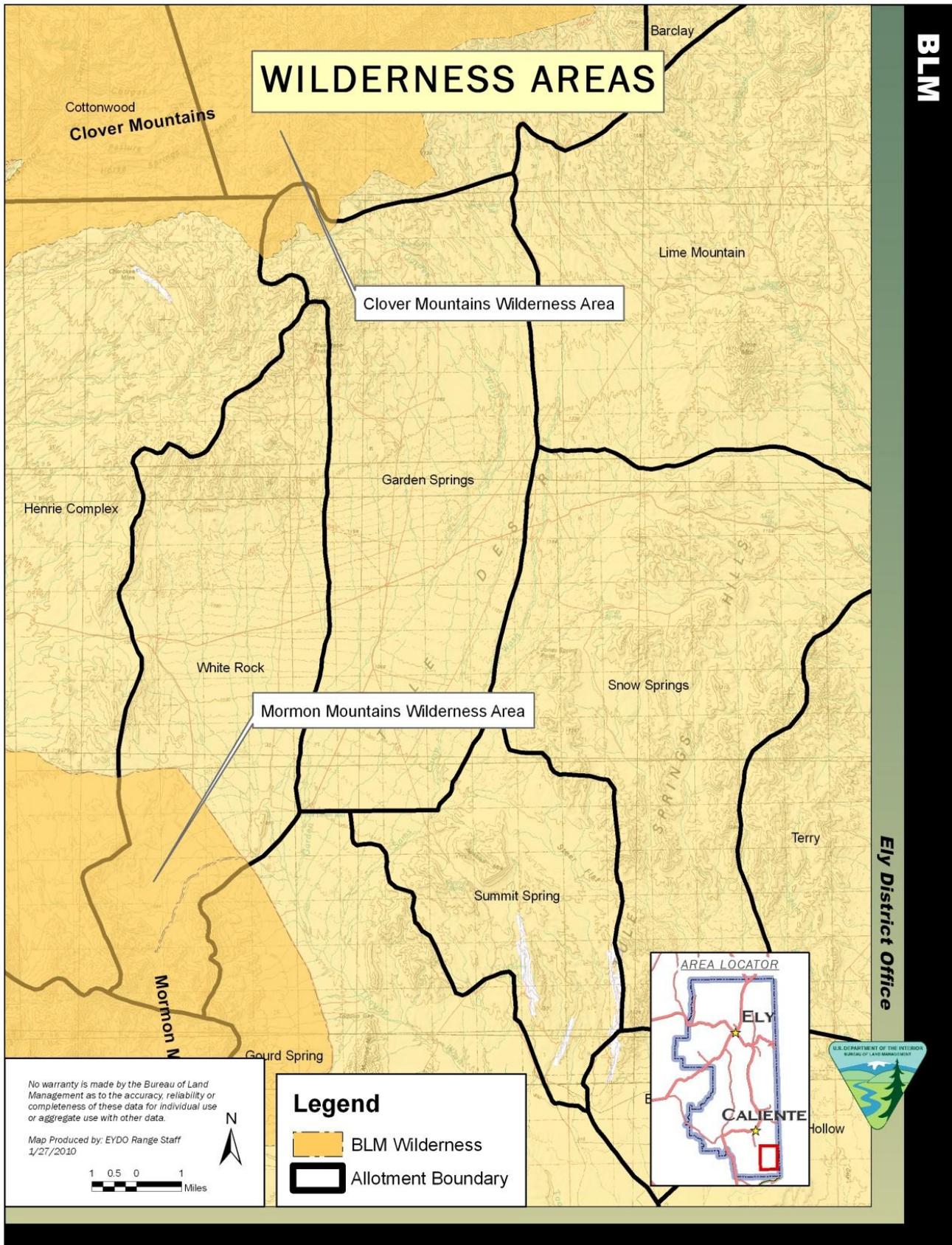
Map 2

DESERT TORTOISE CRITICAL HABITAT

BLM



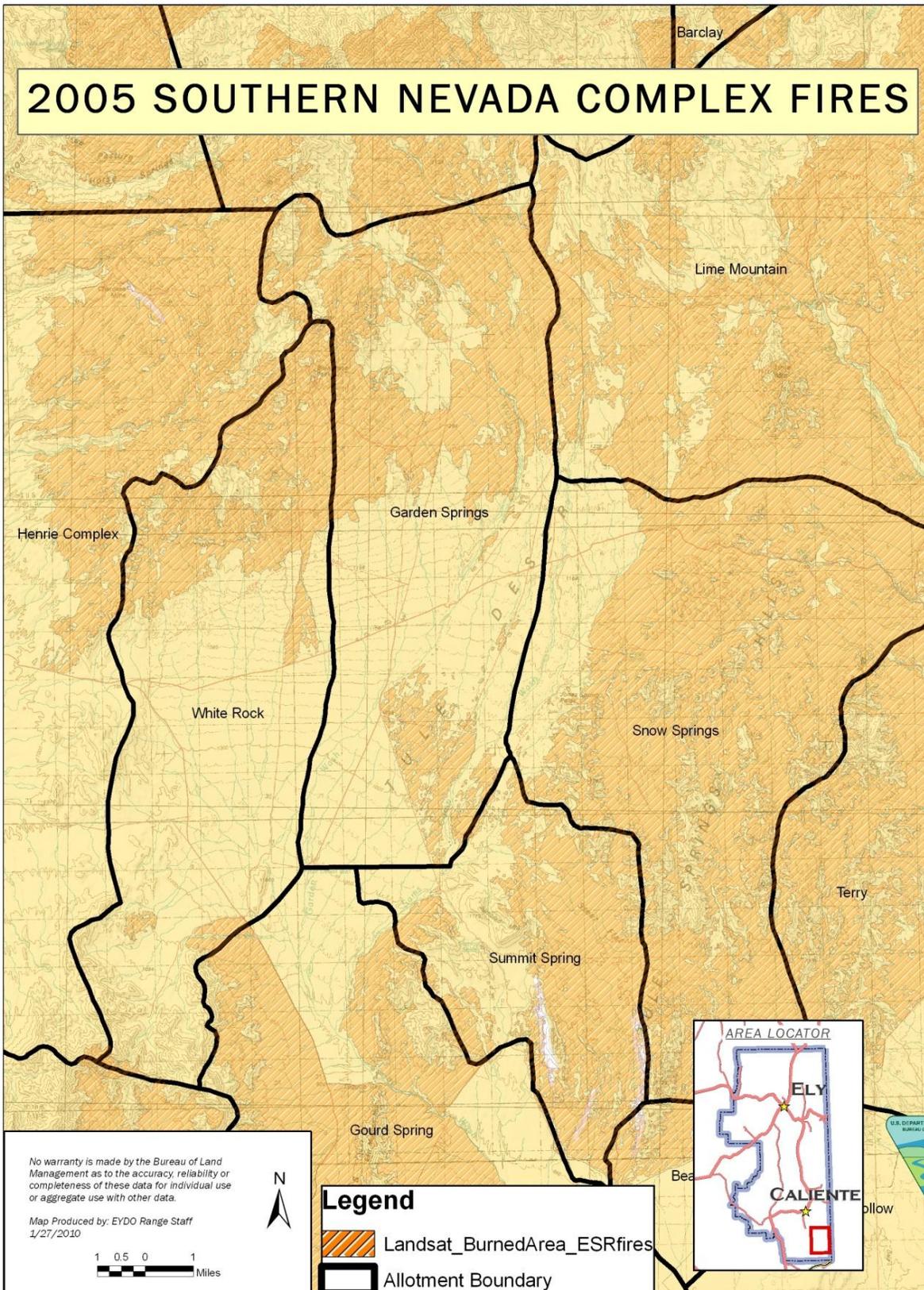
Map 4



Map 5

2005 SOUTHERN NEVADA COMPLEX FIRES

BLM



Map 6

APPENDIX III

(EA)

STANDARD TERMS AND CONDITIONS

10. Livestock numbers identified in the Term Grazing Permit are a function of seasons of use and permitted use. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations are consistent with multiple-use objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.
11. The authorized officer is requiring that an actual use report (Form 4130-5) be submitted within 15 days after completing your annual grazing use.
12. Grazing use will be in accordance with the Standards and Guidelines for Grazing Administration. The Standards and Guidelines have been developed by the respective Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR Subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.
13. If future monitoring data indicates that Standards and Guidelines for Grazing Administration are not being met, the permit will be reissued subject to revised terms and conditions.
14. The permittee must notify the authorized officer by telephone, with written confirmation, immediately upon discovery of any hazardous or solid wastes as defined in 40 CFR Part 261.
15. The permittee is responsible for all maintenance of assigned range improvements including wildlife escape ramps for both permanent and temporary water troughs.
16. When necessary, control or restrict the timing of livestock movement to minimize the transport of livestock-borne noxious weed seeds, roots, or rhizomes between weed-infested and weed-free areas.
17. Livestock will be moved to another authorized pasture (where applicable) or removed from the allotment before utilization objectives are met or no later than 5 days after meeting the utilization objectives. Any deviation in livestock movement will require authorization from the authorized officer.
18. The placement of mineral or salt supplements will be a minimum distance of 1/2 mile from known water sources, riparian areas, winterfat dominated sites, sensitive sites, populations of special status plant species, and cultural resource sites. Mineral and salt supplements will also be one mile from active sage-grouse leks. Placing supplemental feed (i.e. hay, grain, pellets, etc.) on public lands without authorization is prohibited.

APPENDIX IV
(EA)

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

**Newby Cattle Company (#2705036) Term Permit Renewal
on the White Rock, Garden Spring and Summit Spring Allotments**

On March 22, 2011 a Noxious & Invasive Weed Risk Assessment was completed for Newby Cattle to conduct a term permit renewal in Lincoln County, NV. The proposed action is to renew the grazing term permit for Newby Cattle Company (#2705036) on the Garden Spring, White Rock and Summit Spring Allotments. NEPA level is EA and grazing permit will be for ten years. An EA will be prepared and grazing will be analyzed. The proposed action will allow grazing according to the following:

ALLOTMENT		LIVESTOCK		GRAZING PERIOD		** % Public Land	Active Use	AUMs		
Name	Number	* Number	Kind	Begin	End			Hist. Susp. Use	Voluntary Non-Use	Permitted Use
Garden Spring	01065	464	C	11/1	4/30	100	1666	0	1111	2777
Garden Spring	01065	5	H	11/1	4/30	100	19	0	13	32
White Rock	01078	481	C	11/1	4/30	100	1728	0	1152	2880
Summit Spring	01077	181	C	11/1	2/28***	100	429	0	286	715

* This number is approximate

** This is for billing purposes only

***This is only until funding is available for a fence to be constructed which prevents livestock from accessing desert tortoise critical habitat. Upon the completion of such fence construction, the season of use would be changed to 11/1 to 4/30.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. The following species are documented within the project area (Map 1):

Brassica tournefortii Sahara mustard
Onopordum acanthium Scotch thistle
Tamarix spp. Salt cedar

There is also a probability that include a list of undocumented weeds found in the area scattered along roads in the area. The project area was last inventoried for noxious weeds in 2008. A list of species undocumented in the District follows:

<i>Arctium minus</i>	Common burdock
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Ceratocephala testiculata</i>	Bur buttercup
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Erodium cicutarium</i>	Filaree
<i>Halogeton glomeratus</i>	Halogeton
<i>Marrubium vulgare</i>	Horehound
<i>Salsola kali</i>	Russian thistle
<i>Sysimbrium altissimum</i>	Tumble mustard
<i>Tragopogon dubius</i>	Yellow salsify

Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area.

For this project, the factor rates as Moderate (6) at the present time. Currently salt cedar is established in the project area. However, the spread of this species is limited to wet areas. Currently salt cedar can be found in the few wet areas located within the allotments. Further spread is not a concern.

Scotch thistle has also been found within the project area. However, it is not prevalent and is easily identified and can be readily treated using spot treatments. The permittee is aware of this species and understands that it is in the best interest of their operation to remove this species upon detection, as has been done previously.

Sahara mustard is establishing in the region. In this area it was first detected in the south and is moving north following the prevailing winds. Currently it is located in the southern most portion of the Summit Spring Allotment. This portion of the allotment has restricted grazing due to desert tortoise habitat. Grazing would occur in this area only when Sahara mustard is undergoing vegetative growth. Cattle are removed before seed production and turn-out is in the early winter. The germination period for Sahara mustard is normally in the early fall and winter months. Seed transport is primarily wind, but also travels by animal and vehicle. Because of Sahara mustard's rapid growth and ability to quickly out compete native plants, control of this species is paramount. Even though the area has been heavily altered due to annual grasses and fire, it still has the ability to support native species. With establishment of Sahara mustard, this

ability could be drastically reduced. Because grazing permittees tend to spend more time in this area than anyone else, they can provide valuable monitoring information and detection. Through education, it will be shown to be in the grazing operation's best interest to protect the resource and will be highly motivated to address the spread of Sahara mustard.

Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

This project rates as High (8) at the present time. This rating is primarily the result of Sahara mustard's ability to outcompete native plants in the Mojave desert region. However, this number is lower because the area has already been altered due to other non-native annuals. These annuals include red brome and cheatgrass and are the species primarily responsible for the altered disturbance regime. Sahara mustard would simply result in a further decrease in native species. The effects of Sahara mustard on wildlife habitat are complex and not completely understood. The growth habit of Sahara mustard in this northern most portion of the Mojave Desert is not fully understood, and it may prove to not be as competitive with cooler temperatures.

The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.

For this project, the Risk Rating is Moderate (48). This indicates that the project can proceed as planned as long as the following measures are followed:

- Continue to use integrated weed management to treat weed infestations and use principles of integrated pest management to meet management objectives and to reestablish resistant and resilient native vegetation communities.
- Develop weed management plans that address weed vectors, minimize the movement of weeds within public lands, consider disturbance regimes, and address existing weed infestations.
- When manual weed control is conducted, remove the cut weeds and weed parts and dispose of them in a manner designed to kill seeds and weed parts.

- When managing in areas of special status species, carefully consider the impacts of the treatment on such species. Wherever possible, hand spraying of herbicides is preferred over other methods.
- Control or restrict the timing of livestock movement to minimize the transport of livestock-borne noxious weed seeds, roots, or rhizomes between weed-infested and weed-free areas.
- All applications of approved pesticides will be conducted only by certified pesticide applicators or by personnel under the direct supervision of a certified applicator.
- Prior to entering public lands, the contractor, operator, or permit holder will provide information and training regarding noxious weed management and identification to all personnel who will be affiliated with the implementation of the project. The importance of preventing the spread of weeds to un-infested areas and importance of controlling existing populations of weeds will be explained.

Reviewed by: _____

Cameron Boyce
Caliente Field Office Noxious & Invasive Weeds
Coordinator

_____ Date



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

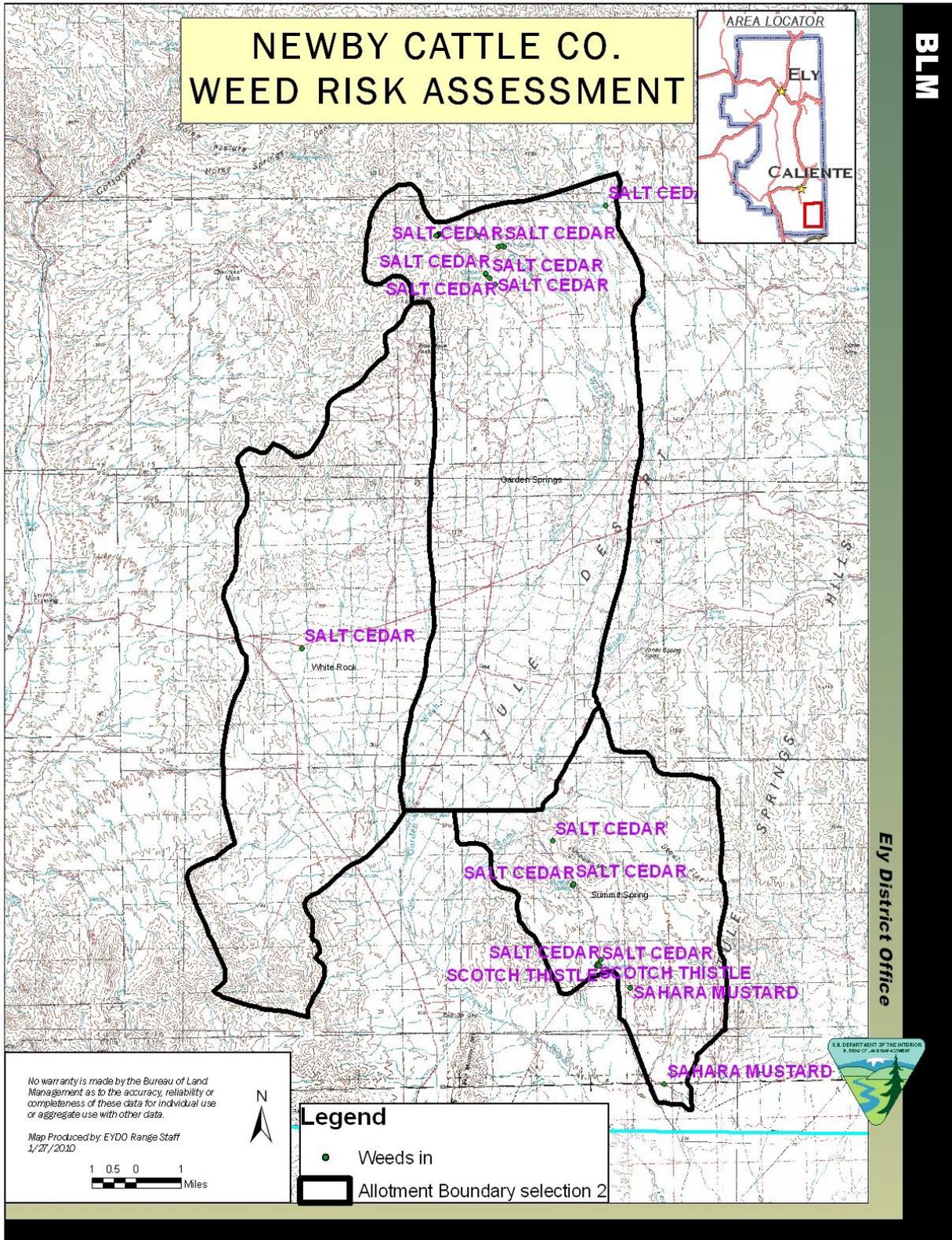
Caliente Field Office

P.O. Box 237 (1400 South Front St.)

Caliente, Nevada 89008-0237

http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer to:



MAP 1



United States Department of the Interior



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Caliente Field Office

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In Reply Refer to:

APPENDIX V

(EA)

Congressional Grazing Guidelines

(Excerpt from House Report 96-1126)

Grazing in National Forest Wilderness Areas

Section 4(d)(4)(2) of the Wilderness Act states: "the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture."

The legislative history of this language is very clear in its intent that livestock grazing, and activities and the necessary facilities to support a livestock grazing program, will be permitted to continue in National Forest wilderness areas, when such grazing was established prior to classification of an area as wilderness.

Including those areas established in the Wilderness Act of 1964. Congress has designated some 188 areas, covering lands administered by the Forest Service, Fish and Wildlife Service, National Park Service and Bureau of Land Management as components of the National Wilderness Preservation System. A number of these areas contain active grazing programs, which are conducted pursuant to existing authorities. In all such cases, when enacting legislation classifying an area as wilderness, it has been the intent of the Congress, based on solid evidence developed by testimony at public hearings, that the practical language of the Wilderness Act would apply to grazing within wilderness areas administered by all Federal agencies, not just the Forest Service. In fact, special language appears in all wilderness legislation, the intent of which is to assure that the applicable provisions of the Wilderness Act, including Section 4(d)(4)(2), will apply to all wilderness areas, regardless of agency jurisdiction.

Further, during the 95th Congress, Congressional committees became increasingly disturbed that, despite the language of section 4(d)(4)(2) of the Wilderness Act and despite a history of nearly 15 years in addressing and providing guidance to the wilderness management agencies for development of wilderness management policies, National Forest administrative regulations and policies were acting to discourage grazing in wilderness, or unduly restricting on-the-ground activities necessary for proper grazing management. To address this problem, two House Committee on Interior and Insular Affairs Reports (95-620 and 95- 1821) specifically provided guidance as to how section 4(d)(4)(2) of the Wilderness Act should be interpreted. This guidance appeared in these reports as follows:

Section 4(d)(4)(2) of the Wilderness Act states that grazing in wilderness areas, if established prior to designation of the area as wilderness, "shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture". To clarify any lingering doubts, the committee wishes to stress that this language means that there shall be no curtailment of grazing permits or privileges in an area simply because it is designated as wilderness. As stated in the Forest Service regulations (36 CFR 293.7), grazing in wilderness areas ordinarily will be controlled under the general regulations governing grazing of livestock on National Forests* * *. This includes the establishment of normal range allotments and allotment management plans. Furthermore, wilderness designation should not prevent the maintenance of existing fences or other livestock management improvements, nor the construction and maintenance of new fences or improvements which are consistent with allotment management plans and/or which are necessary for the protection of the range.

Despite the language of these two reports, RARE II hearings and field inspection trips in the 96 Congress have revealed that National Forest administrative policies on grazing in wilderness are subject to varying interpretations in the field, and are fraught with pronouncements that simply are not in accordance with section 4(d)(4)(2) of the Wilderness Act. This had led to demands on the part of grazing permittees that section 4(d)(4)(2) of the Wilderness Act be amended to clarify the intentions of Congress. However, because of the great diversity of conditions under which grazing uses (including different classes of livestock) are managed on the public lands, the Conferees feel that the original broad language of the Wilderness Act is best left unchanged. Any attempts to draft specific statutory language covering grazing in the entire wilderness system (presently administered by four separate agencies in two different Departments) might prove to be unduly rigid in a specific area, and deprive the land management agencies of flexible opportunities to manage grazing in a creative and realistic site specific fashion.

Therefore, the conferees declined to amend section 4(d)(4)(2) of the Wilderness Act, agreeing instead to reaffirm the existing language and to include the following nationwide guidelines and specific statements of legislative policy. It is the intention of the conferees that the guidelines and policies be considered in the overall context of the purposes and direction of the Wilderness Act of 1964 and this Act, and that they be promptly, fully, and diligently implemented and made available to Forest Service personnel at all levels and to all holders of permits for grazing in National Forest Wilderness areas:

1. There shall be no curtailments of grazing in wilderness areas simply because an area is, or has been designated as wilderness, nor should wilderness designations be used as an excuse by administrators to slowly "phase out" grazing. Any adjustments in the numbers of livestock permitted to graze in wilderness areas should be made as a result of revisions in the normal grazing and land management planning and policy setting process, giving consideration to legal mandates, range condition, and the protection of the range resource from deterioration.

It is anticipated that the numbers of livestock permitted to graze in wilderness would remain at the approximate levels existing at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) could be made available with no adverse impact on wilderness values such as plant communities, primitive recreation, and wildlife populations or habitat, some increases in AUMs may be permissible. This is not to imply, however, that

wilderness lends itself to AUM or livestock increases and construction of substantial new facilities that might be appropriate for intensive grazing management in non-wilderness areas.

2. The maintenance of supporting facilities, existing in the area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness.

Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand, it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted to those portions of a wilderness area where they had occurred prior to the area's designation as wilderness or are established by prior agreement.

3. The placement or reconstruction of deteriorated facilities or improvements should not be required to be accomplished using "natural materials", unless the material and labor costs of using natural materials are such that their use would not impose unreasonable additional costs on grazing permittees.
4. The construction of new improvements or replacement of deteriorated facilities wilderness is permissible if in accordance with those guidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock.
5. The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. This privilege is to be exercised only in true emergencies, and should not be abused by permittees.

In summary, subject to the conditions and policies outlined above, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at the time Congress determined that the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue. With respect to areas designated as

wilderness prior to the date of this Act, these guidelines shall not be considered as a direction to re-establish uses where such uses have been discontinued.

It is also the understanding of the conferees that the authorizing Committees intend to closely monitor the implementation of the guidelines through subsequent oversight hearings to insure that the spirit, as well as the letter, of the guidelines is adhered to by the Forest Service. Of course, the inclusion of these guidelines in this joint Statement of Managers does not preclude the Congress from dealing with the issue of grazing in wilderness areas statutorily in the future.



United States Department of the Interior



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APPENDIX VI (EA)

Wildlife and Plant Species

According to the Ely RMP (2008) and the Nevada Natural Heritage Database, the following species may occur within the project area.

Highlighted species are BLM sensitive species in Nevada.

White Rock Allotment

Desert tortoise (*Gopherus agassizii*) - federally threatened

Desert bighorn sheep (*Ovis canadensis nelsoni*)

Mule deer (*Odocoileus hemionus*) general habitat

The allotment contains two small wildlife water developments for upland game birds. The allotment is within hunt unit 271 and 242.

The following data reflect survey blocks and/or incidental sightings of bird species within the project area from the Atlas of the Breeding Birds of Nevada (Floyd et al. 2007).

These data represent birds that were confirmed, probably, or possibly breeding within the project area. These data are not comprehensive, and additional species not listed here may be present within the project area.

No survey blocks or incidental sightings occur within in this allotment. Survey blocks with similar vegetation as this allotment contained the following bird species:

Golden eagle (*Aquila chrysaetos*)

Turkey vulture (*Cathartes aura*)

Red-tailed hawk (*Buteo jamaicensis*)

Prairie falcon (*Falco mexicanus*)

Mourning dove (*Zenaida macroura*)

Common raven (*Corvus corax*)

Cactus wren (*Campylorhynchus brunneicapillus*)

Loggerhead shrike (*Lanius ludovicianus*)

Black-throated sparrow (*Amphispiza bilineata*)

Brewer's sparrow (*Spizella breweri*)

Northern rough-winged swallow (*Stelgidopteryx serripennis*)

Wilson's warbler (*Wilsonia pusilla*)

Costa's hummingbird (*Calypte costae*)

Ash-throated flycatcher (*Myiarchus cinerascens*)

Say's phoebe (*Sayornis saya*)

Black-tailed gnatcatcher (*Polioptila melanura*)

Phainopepla (*Phainopepla nitens*)

Verdin (*Auriparus flaviceps*)

Lesser goldfinch (*Carduelis psaltria*)

Orange-crowned warbler (*Vermivora celata*)

Ruby-crowned kinglet (*Regulus calendula*)
Song sparrow (*Melospiza melodia*)
House finch (*Carpodacus mexicanus*)

Garden Spring Allotment

Desert tortoise (*Gopherus agassizii*) - federally threatened

Desert bighorn sheep (*Ovis canadensis nelsoni*)

Mule deer (*Odocoileus hemionus*) general habitat and crucial summer habitat

The allotment is within hunt unit 271 and 242.

The following data reflect survey blocks and/or incidental sightings of bird species within the project area from the Atlas of the Breeding Birds of Nevada (Floyd et al. 2007).

These data represent birds that were confirmed, probably, or possibly breeding within the project area. These data are not comprehensive, and additional species not listed here may be present within the project area.

No survey blocks or incidental sightings occur within in this allotment. Survey blocks with similar vegetation as this allotment contained the following bird species:

Golden eagle (*Aquila chrysaetos*)

Turkey vulture (*Cathartes aura*)
Red-tailed hawk (*Buteo jamaicensis*)
Merlin (*Falco columbarius*)
Rough-legged hawk (*Buteo lagopus*)
Band-tailed pigeon (*Columba fasciata*)
Mourning dove (*Zenaida macroura*)
Common raven (*Corvus corax*)
Cactus wren (*Campylorhynchus brunneicapillus*)

Loggerhead shrike (*Lanius ludovicianus*)

Black-throated sparrow (*Amphispiza bilineata*)
Brewer's sparrow (*Spizella breweri*)
Northern rough-winged swallow (*Stelgidopteryx serripennis*)
Wilson's warbler (*Wilsonia pusilla*)
Costa's hummingbird (*Calypte costae*)
Ash-throated flycatcher (*Myiarchus cinerascens*)
Say's phoebe (*Sayornis saya*)
Black-tailed gnatcatcher (*Polioptila melanura*)

Phainopepla (*Phainopepla nitens*)

Verdin (*Auriparus flaviceps*)
House finch (*Carpodacus mexicanus*)

Summit Spring Allotment

Desert tortoise (*Gopherus agassizii*) - federally threatened; contains a portion of the Beaver Dam Slope critical habitat unit

Desert bighorn sheep (*Ovis canadensis nelsoni*)

The allotment is within hunt unit 271.

The following data reflect survey blocks and/or incidental sightings of bird species within the project area from the Atlas of the Breeding Birds of Nevada (Floyd et al. 2007). These data represent birds that were confirmed, probably, or possibly breeding within the project area. These data are not comprehensive, and additional species not listed here may be present within the project area.

Golden eagle (*Aquila chrysaetos*)

Prairie falcon (*Falco mexicanus*)

Turkey vulture (*Cathartes aura*)

Red-tailed hawk (*Buteo jamaicensis*)

Mourning dove (*Zenaida macroura*)

Common raven (*Corvus corax*)

Cactus wren (*Campylorhynchus brunneicapillus*)

Loggerhead shrike (*Lanius ludovicianus*)

Black-throated sparrow (*Amphispiza bilineata*)

Brewer's sparrow (*Spizella breweri*)

Northern rough-winged swallow (*Stelgidopteryx serripennis*)

Wilson's warbler (*Wilsonia pusilla*)

Costa's hummingbird (*Calypte costae*)

Ash-throated flycatcher (*Myiarchus cinerascens*)

Say's phoebe (*Sayornis saya*)

Black-tailed gnatcatcher (*Polioptila melanura*)

Phainopepla (*Phainopepla nitens*)

Verdin (*Auriparus flaviceps*)

House finch (*Carpodacus mexicanus*)

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